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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Baruch Frydman-Kohl, senior rabbi of Beth Tzedec Congregation in Toronto, Canada.

The guest Chaplain offered the following prayer:

God of us all, we assemble before You in humility, recalling both triumph and defeat, summer drought, autumn hurricane, and the cooperative resilience of our Nation. In this season after elections and before the new Congress, we ask that You give these Senators and our government the wisdom to avoid the exclusion of either/or and to embrace the blessings of both/and.

Rather than fear falling off a cliff, help our leaders to learn to chimney. In climbing, chimneying requires pushing off one side of a mountain cleft and then the other to advance higher. The resistance of each face of the rock contributes to the ascent. Help these leaders to appreciate individual initiative and care for the distressed, to value competition and find a path for cooperation, to be mindful of human liberty and be grateful for mutual help, to recognize the occasional need for force and to forcefully pursue peace. Enable them to chimney up the cleft of our differences, to reclaim fiscal integrity and maintain social concern, to be exemplars of responsibility and reasonableness, so that all Americans may respect and rejoice in their leadership of this great country.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 29, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with Republicans controlling the first half and the majority controlling the second half. Following morning business, the Senate will resume consideration of the Defense authorization bill. We will continue to work through the amendments to the bill during today's session. Rollcall votes are expected all throughout today.

I would now yield to my friend, the senior Senator from the State of Wisconsin. I will have more of an opportunity at a later time to say things about Senator KOHL, but I have had a wonderful experience in getting to know this quiet, very productive man. I have enjoyed his innate skills. He is one of the best businesspeople we have in America today, one of the best Senators we have in America today.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

WELCOMING THE GUEST CHAPLAIN

Mr. KOHL. Mr. President, I rise today to thank Rabbi Baruch Frydman-Kohl for his invocation this morning and welcome him and his beloved wife Josette to the Senate.

Rabbi Baruch's father Jack and my father Max were brothers and Europeans during the First World War. Both were exiled to Siberia. Later, after my father immigrated to America, he helped Jack and his family come to Milwaukee.

Baruch is the Anne and Max Tanenbaum senior rabbi of Best Tzedec Congregation, the largest synagogue community in Canada. The focus of his rabbinate has been family education, lifelong learning, and care for the housebound, hospitalized, and homeless. Beyond the synagogue, the rabbi is the president of the Toronto Board of Rabbis and recently organized the Path of Abraham mission to bring Jews, Christians, and Muslims to the Holy Land to explore the challenges of three religions, two nations, and one land.

Baruch's list of accomplishments and credentials is as impressive as it is long. I ask unanimous consent to have a copy of his biography printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. KOHL. I will just add to this list his place in my heart as a beloved cousin, valued friend, and welcomed reflection of all about our fathers that was

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

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strong, smart, and good. I thank the rabbi for his time and attention to the Senate today.

EXHIBIT 1

RABBI BARUCH FRYDMAN-KOHL

Baruch Frydman-Kohl is the Anne and Max Tanenbaum Senior Rabbi of Beth Tzedec Congregation, the largest synagogue community in Canada. The focus of his rabbinate has been a commitment to family education, life-long learning and care for the housebound, hospitalized and homeless. Rabbi Baruch initiated the development of a ''synaplex'' of innovative ritual and educational opportunities to encourage more participation in synagogue life.

Beyond the synagogue, the Rabbi is the President of the Toronto Board of Rabbis and recently organized the Path of Abraham mission to bring Jews, Christians and Muslims to the Holy Land to explore the challenges of three religions, two nations and one land. He serves on the Board of UJA Federation of Toronto, has served on the Executive Committee of the Rabbinical Assembly, and as past president of two of its regions. He was awarded a Coolidge Fellowship to pursue research in an inter-faith community at the Episcopal Divinity School at Harvard University. The Rabbi received his doctorate in Jewish Philosophy from the Jewish Theological Seminary and is a Rabbinic Fellow of the Shalom Hartman Institute of Jerusalem. Rabbi Frydman-Kohl is the author of scholarly articles in the area of Jewish philosophy and mysticism.

Rabbi Baruch's father, Jack, and Senator KOHL's father, Max, were brothers and young teenagers during the First World War when they were caught between the Austrian-Hungarian Empire and Czarist Russia. They were taken captive and sent to exile in Siberia. Later, after Max's immigration to America, he helped to bring Jack and his family to Milwaukee. Through their love and care for each other, the two brothers enabled each other to survive war and to build a new life in America.

Rabbi Baruch is married to Josette. They are the parents of Yakov (married to Sarah), Rafi and Amir and the doting new grandparents of Ilana Adi.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is a remarkable short history, very amazing how wonderful our country is. I note just in passing that my wife's father, my father-in-law, was born in Russia, immigrated to the United States like the rabbi and Senator KOHL's father.

FISCAL CLIFF

Mr. REID. Mr. President, it took 4 months, but Republicans are finally realizing their way back from the fiscal cliff has been right in front of them all along. In July the Senate passed legislation to give economic certainty to 98 percent of American families and 97 percent of small businesses, to every American making less than $250,000 a year. For 4 months we have been one vote away from a solution to this looming crisis. For 4 months House Republicans have refused to act. Instead, they have held the middle class hostage to protect the richest 2 percent of taxpayers—people who have enjoyed a decade of blooming income and shrinking tax bills.

One has to admire the President, who went out and campaigned on this issue. He did not in any way walk away from the issue. He said: That is how we are going to get our fiscal house in order. And independents by a huge margin, Democrats by a huge margin, and 41 percent of Republicans support what the President asks us to do.

So now reasonable Republicans—I think it is very important—are coming around to what Democrats have said all along: Let's reassure millions of Americans that taxes will not go up by $2,200 a year on January 1; that is, those people who are the middle class of America.

Prominent Republicans are calling on Speaker BOEHNER to end the suspense for millions of these American families. Yesterday Republican Congressman TOM COLE of Oklahoma, a veteran in the House of Representatives, urged his caucus to pass the Senate's legislation keeping taxes low for those making less than $250,000 a year. That would pass by an overwhelming margin. All the Speaker has to do is let it come up for a vote. I would bet a lot of his Republicans would vote for it. I would bet a majority of his Republicans would vote for it. Virtually every Democrat would vote for it. They only need 218. There are 435 Members in the House. We also noted yesterday that Republican Congressman TIM SCOTT of South Carolina, who is noted for his conservatism, admitted yesterday that if the Speaker brought our bill to a vote, it would surely pass. So it is time the House Republican leadership listened to the will of the American people—Independents, Democrats, and Republicans—and also the advice of the reasonable members of their own caucus. The way out of this standoff is clear. Yet we are left wondering how long Republicans will force middle-class families to wait and to worry.

Unfortunately, resolving the standoff will not resolve every conflict over the fiscal future. We have to end wasteful tax breaks for the richest Americans. We agree. We agree with the majority of Americans. We are serious about reducing the deficit. It will take a balanced approach. Last year we successfully worked across party lines to cut $1 trillion worth of spending we could not afford. Even our Republican colleagues acknowledge budget cuts alone will not solve our fiscal challenges. We can argue over whether to give more wasteful handouts to the wealthy. They can do that tomorrow. We can discuss balanced, responsible ways to reduce our deficit tomorrow. But let's take care of the middle class today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

RECOGNITION OF THE MINORITY LEADER

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

FISCAL CLIFF

Mr. MCCONNELL. Mr. President, throughout the week, I have raised questions about the President's level of seriousness and engagement when it comes to resolving the short- and long-term fiscal challenges we face. I have done this because, as I have said repeatedly, the President is the key to success in all of these discussions. So I am hoping that when Secretary Geithner comes up to the Capitol today, he brings a specific plan from the President that the two parties could agree to for the good of the country. I hope to hear the administration's specific plans for protecting jobs and promoting economic growth for middle-class Americans, while reducing the debt by strengthening entitlements, reducing Washington's spending, and preventing a tax hike on every American taxpayer.

Up until now, the White House has preferred talking points and an appeal to the hard left to a serious discussion about how we fix the economy, reduce the Federal debt, and return the country to a path of growth and prosperity for all. They are stuck on the same old tired slogans, and it is really completely counterproductive. So this morning I would like to address one of these recurring talking points in a little more detail in the hope that the White House puts it aside and starts talking in a way that suggests they are actually serious over there about finding a solution. I am referring to the oft-repeated assertion by the White House and reporters alike that those of us who insist on not raising income tax rates on anybody are doing so to ''protect the rich.'' I assure you, that has absolutely nothing to do with it. Check the polling data. The super-rich vote for the Democrats. We are not insisting on keeping tax rates where they are to protect some tiny sliver of the electorate; we are insisting on keeping tax rates where they are first and foremost to protect jobs and because we do not think government needs the money in the first place.

The problem, as I have said, is not that Washington taxes too little, but it is that it spends too much. But if more revenue is the price Democrats want to exact for supporting other necessary reforms, then we should at least agree that we do it in a way that does not cost jobs and disincentivize work, as we all know raising rates would do.

A lot of people around here seem to have forgotten that we are still in the middle of a jobs crisis. I can tell you that lots of folks are hurting in my State of Kentucky. National unemployment is still just a hair below 8 percent, and millions of Americans are still looking for work.

So if it is an iron law of economics that you get less of what you tax, why on Earth would we want to raise taxes on work? Rates matter because they affect behavior. The higher the tax rate, the higher the disincentive to work. This isn't just Republican orthodoxy, it is basic economics. As the nonpartisan Congressional Budget Office recently put it, ''Increasing revenues by raising marginal tax rates on labor would reduce people's incentive to work and therefore reduce the amount of labor supplied to the economy.''

That is the CBO, not the Republican National Committee. They go on to say over at CBO, it would, by itself, ''decrease output in the medium and long term.''

In the middle of a jobs crisis, that is the last thing we ought to be doing. Shouldn't we at least agree on that? The negative effect raising rates has on labor is so widely acknowledged that the Joint Committee on Taxation actually has models that incorporate the effects of doing it. They also know that higher rates increase the incentive to shelter income from taxation. When rates are higher, the people paying them try even harder to keep the government from taking what they earn.

In short, raising rates means less labor, less investment, and more incentive for the wealthy to waste money in an attempt to shelter what they have earned. We can quibble about the magnitude of these effects, but everyone agrees they exist.

The problem is particularly acute for those thinking about taking a second job in a household, which in many cases unfairly targets married women looking to supplement the family income or someone considering a promotion or starting a new venture.

Instead of raising rates, Republicans have proposed capping deductions through tax reform instead. If the only way to get Democrats to agree to progrowth tax reform and meaningful entitlement reform is through more revenue, a smarter way to do it is by capping deductions. Capping deductions, or tax expenditures as some people call them, is a far less painful, more economically sound, way of closing deficits. The Congressional Budget Office agrees. As the Congressional Budget Office recently put it:

> Increasing revenues . . . by broadening the tax base would probably have a smaller negative effect, or even a positive effect, on the amount of labor supplied.

The White House likes to say you can't come up with a realistic plan to reduce the deficit without raising tax rates. It is not true. Not only are there plenty of ways to do it, there are ways to do it that minimize the disincentive to work, and they can be found right in the President's own budget. In the President's own budget he proposes three different ideas that, combined, dwarf the $442 billion revenue his own Treasury estimates he could grab from increasing two rates. All of them cap the amount that higher income Americans can deduct from their income taxes, and all of them do it in a way that is far less damaging than raising those tax rates while protecting middle-class taxpayers.

Look, I don't like any of these ideas. They all hurt somebody. The government spent way too much money as it is. Frankly, I don't think the Democrats are any more interested in using new revenue to lower the deficit now than they have ever been. But don't tell me you have to raise rates to do it. It is not true. The longer Democrats keep saying it, the longer it is going to take to come up with an agreement.

The only reason Democrats are insisting on raising rates is because raising rates on the so-called rich is the holy grail of liberalism—the holy grail of liberalism. Their aim isn't job creation; they are interested in wealth destruction—not job creation but wealth destruction.

The President needs to realize that he wasn't elected President of the hard left wing of the Democratic Party. He was elected President of the United States. He is the steward of the Nation's finances. He has a responsibility to everyone to work out an agreement, and that means he has to come up with something that can get through a Republican House of Representatives.

We are waiting on the President. We can still get there, but he is going to have to lead. He can start by putting the campaign talking points on the shelf. I know that whacking the rich works politically. It worked pretty well for him in his campaign; I get it. But the election is over, and it is time to lead.

TRIBUTE TO TOM JURICH

Mr. President, yesterday was an extremely happy day for my alma mater, the University of Louisville, and I want to talk today about an extraordinary individual who has achieved an incredible success at my university over the last 15 years. It has been my privilege during my career to get to know a number of people in all walks of life who have been highly successful. However, I am hard pressed to think of a more conspicuous example of success than what Tom Jurich has accomplished for the University of Louisville in athletics in the last 15 years. Membership in the ACC, announced yesterday, is the culmination of his extraordinary leadership.

Tom Jurich has for 15 years served as the athletic director for the University of Louisville, and yesterday it was announced that UofL, as I indicated, will be joining the Atlantic Coast Conference. The ACC will be a great home for UofL and the school's commitments to academics, groundbreaking research, and top-ranked athletic teams.

Under Tom Jurich's leadership, student athletes at UofL have been making and breaking records and stirring excitement deep in the hearts of Cardinal fans all across Kentucky and all over the world. Since joining the Big East Conference in 2006, Cardinal teams have won 50 championships, with 10 of those in the 2011–2012 season alone, 10 championships just this year.

Our men's basketball team ranks No. 2 in the Nation in total attendance records. Our women's basketball team ranks No. 2 in the Nation for average attendance per game. I think it is safe to say Cardinal fans love their basketball.

Tom Jurich masterminded the hiring of legendary men's basketball coach Rick Patino, who has led the Cardinals to three Big East titles and two Final Fours, including one last season. Now ranked in the top five nationally, this year's Cardinal team is well poised to make another run for the Final Four.

Tom was also responsible for hiring head football coach Charlie Strong, a legend in the making, who has revitalized the Louisville football program by leading the Cardinals to two bowl games and a share of the Big East championship in his short tenure there. Now in Coach Strong's third year, the Cardinals are 9–2 and have been ranked in the top 10 nationally this year and have a chance to win the Big East title in a nationally televised game against Rutgers tonight.

Under Tom Jurich's tenure, Cardinal teams have been brought home championships in sports as diverse as baseball, field hockey, men's soccer, women's soccer, volleyball, men's cross country, men's golf, women's golf, softball, men's swimming and diving, women's swimming and diving, men's tennis, women's indoor track, and men's and women's outdoor track and field, an extraordinary list of accomplishments.

Tom Jurich has grown the school's physical facilities to be, in my view, the best in the country. Under his leadership the men's and women's basketball teams began playing in a new state-of-the-art KFC Yum! Center in downtown Louisville in 2010. It is an arena equal to any college basketball facility, college or professional, in our country.

Under Tom Jurich, an expansion of Papa John's Cardinal Stadium was completed in 2010, giving UofL football fans one of the best stadiums in the country in which to watch a game, seating 55,000. Tom Jurich also oversaw the construction of an extensive sports park that includes new softball and field hockey stadiums, a soccer field surrounded by a track, fitness trail, and playground.

Tom has increased participation for women's athletics, upgrading funding and support staff for existing women's programs and adding four new women's sports: softball, golf, rowing, and lacrosse. He transitioned field hockey and women's soccer and baseball to

fully funded programs. For his accomplishment, he received the Citizens for Sports Equity 2000 Sports Leadership Award.

For his success as an athletic director, Tom was honored as the Louisvillian of the Year in 2005 by the Louisville Urban League, and he was nationally recognized in 2007 as Street & Smith's Sports Business Journal and Sports Business Daily Athletic Director of the Year. The university also recognized his enormous contribution to the institution by appointing him vice president for athletics in 2003.

Yesterday, the totality of Tom Jurich's accomplishments was recognized when the ACC voted unanimously to accept the University of Louisville as its newest member. This is an exciting time for Cardinal sports fans. We relish the opportunity to play in the strongest league in the Nation and show that Cardinals are able to compete and beat anybody.

To my good friends from the fine States such as North Carolina, Virginia, New York, Pennsylvania, Florida, Indiana, Georgia, Massachusetts, and South Carolina, I say ''look out.''

I have been pleased to get to know Tom well over the years, as well as his wife Terrilynn and their wonderful family. I don't think I have ever met anybody who has done a better job building an enterprise than he has, given what he had when he came to the university in 1997, and then look at it today. He has built an athletic department that boasts a budget in the top 20 in the country, championship football and basketball teams, record-setting men's and women's basketball attendance at our new downtown arena, and enormous success for all the other school sports that may not get as much attention but are just as vital to the students and the community in Louisville. He has done all this while increasing academic success for student athletes with a record 21 of 23 Cardinal athletic teams producing a 3.0 or higher grade-point average in the most recently completed semester.

It is a truly extraordinary accomplishment. I am proud of my friend Tom Jurich and what he has done. I want to extend to him my heartiest congratulations from the Senate floor.

Go Cards.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

FISCAL CLIFF

Mrs. HUTCHISON. Mr. President, I rise today to talk about the need to address entitlement reform as part of the impending fiscal cliff.

I am not just going to talk about the macro issue, I am going to talk about specifics on a way that we can at least do one entitlement reform, Social Security, and make a difference for the long-term future of Social Security and the millions of Americans who depend on it and have earned it.

It is so important that it be part of the discussion today. So much of our short-term consequences and needs for the fiscal cliff have dominated the discussion. Well, that is okay; we are 1 month away, after all, from dire circumstances. However, we cannot avoid talking about the long term because that is what we have been doing that has caused us to reach a fiscal cliff. We need to look at entitlements. According to Medicare trustees, for instance, Medicare paid $35 billion more to beneficiaries than it took in last year in payroll taxes, and its trust funds will be depleted 12 years from now if we don't act to save Medicare in a responsible way.

The other issue that is not being talked about very much at all is Social Security. In 2010 and 2011, Social Security expenditures, the benefits paid to retirees and the disabled, exceeded payroll tax revenue for the first time since 1983. So as a practical matter, we know the Federal Government is borrowing to pay the Social Security needs of today.

Last year, 2011, the Social Security trustees reported that with benefits paid continuing to exceed payroll, the trust funds would be depleted in 2036, after which the program would have a net unfunded obligation through the end of Social Security's 75-year valuation window, and that net unfunded obligation would be $6.5 trillion. After reading the trustees' report last year, I drafted the Defend and Save Social Security Act to preserve and strengthen Social Security for 75 years. The longer we delay, the longer and more painful the fix will be.

I keep hearing Members of Congress, and even the President, saying Social Security is off the table; we are not going to talk about it when we are talking about the fiscal cliff. That is an astonishing statement for the President and Members of Congress to say, that we are not going to talk about 56 percent of the spending in this country, that it is off the table, because that is what mandatory spending is—56 percent of our spending in this country on an annual basis. Of that, let's take out Medicare, Medicaid, and Social Security, which is 44 percent of the total spending of our country.

According to the Social Security trustees—1 year after the 2011 report—the Social Security trust fund reserves, because we waited 1 year to do anything about it, will now be depleted in 2033. That is 3 years earlier than was estimated just 1 year ago. And the unfunded obligation for the 75-year window has now grown to $8.6 trillion.

So we can see what happens with just 1 year of delay to the security of Social Security and the capability to keep it going. In 21 years, if we don't do something there will be severe cuts or severe increases in taxes that will be automatic. Without any act of Congress, they will be automatic. Talk about a fiscal cliff now, think about the cliff Members of Congress will face then because we didn't do our job in addressing this issue when the solutions were there in a relatively clear glide path that would be relatively unnoticed in most households.

Let me lay out what will happen: There will be a 25-percent automatic cut to the retirement payments and the disability payments that are going out now in Social Security. That would be an average of $308 per month.

The Social Security trustees put it straight out there. They have two ideas to shore up Social Security right now: One is to immediately and permanently increase the combined payroll tax on employees and employers from 12.4 percent to 15.01 percent. That would be a one-fifth increase in the payroll taxes that are, in the norm, being paid today.

The other alternative they suggested is to cut core benefits right now by $200 per month. They said that would do it—$200 per month in cuts to Social Security checks.

I don't think anyone in America believes that is feasible or even desirable—either of those options. So what can we do? We can act now. We can reform Social Security without cutting core benefits and without increasing taxes on people who are working today.

I introduced a new version of my Defend and Save Social Security Act after the 2012 report came out from the trustees, and it covers the 75 year window and the shortfall of $8.6 trillion which is estimated, and it doesn't raise taxes on the people working today.

Here is what it does: It increases the age of retirement very gradually. When I introduced my bill just last year, it wouldn't have affected anyone who was 58 years old or older. But in just that 1 year, because the deficits in Social Security payments going out have occurred, today it is 59 years of age. No one 59 years of age or older would be affected. For everyone else it would be a very slow increase of 3 months per year. For instance, the normal retirement age would reach 67—going from 66—by 2019, 68 by 2023, 69 by 2027, and 70 by 2031. The early retirement age would be increased to 63 by 2019 and 64 by 2023.

The second point: The COLA—the cost-of-living adjustment—would be reduced slightly when inflation is 1 percent or more. Inflation has averaged about 2.5 percent, so there would be a COLA, but it would be about $12 less if inflation is kicking in above 1 percent.

There would be no core benefit cut at all, just a slightly smaller COLA increase if inflation goes up, and then we would have a secure system. It would be a system that would last 75 years. We would not have the $8.6 trillion added to our deficit and no core benefits would be cut.

Mr. President, I ask unanimous consent for 2 more minutes.

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

Mrs. HUTCHISON. Mr. President, let me just say that is not the only thing we could do. We could change the cost

of living to the chained consumer price index. That would be OK. It wouldn't get us as much of a deficit reduction over 75 years—a chained CPI—but it would get us at least into a better position if we increased the age rate.

I just want to give a note of history. When President Reagan was facing the same issue, and the Senate was one-party dominated and the House the other, he got together with House Speaker Tip O'Neill, and they formed a commission which started the increase in age that we have today because people were living longer and they were working longer. We can do the same thing President Reagan and Tip O'Neill did, because our government is a similar configuration, by coming together and acknowledging that people are living longer and are working longer.

We can make accommodations for people who are in particularly physically strenuous jobs. I think all of us understand people in those jobs may not be able to work as long. We can do those things and fix this issue in a responsible way. Let's do it now. One more year is going to make it that much worse. We have added $2.1 trillion to the deficit in just 1 year. We can do this.

Mr. President, I thank the Senator from Arizona for giving me the extra 2 minutes to say let's do it now. In fact, the Senator from Arizona has been a cosponsor of my bill to fix Social Security. We cannot address the fiscal cliff without talking about entitlements and mandatory spending, which is 56 percent of our spending. Anybody can do the math on that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, first, let me thank my colleague from Texas for her leadership on this and so many other issues that we have worked on over the years. One of my regrets in leaving the Senate is that I will not be able to work with her, and she has said the same thing about me. We will be off doing something else, but we are not going to give up on some of the fights we have been engaged in during these years.

I want to just begin where my colleague left off, about the meaning of this fiscal cliff and what is being proposed as alternatives to going over the fiscal cliff. I was interested this week that the President has embarked on what one newspaper referred to as ''the fiscal cliff campaign trail.'' We have seen the pictures. He is out speaking as if the campaign were still going on, and the centerpiece of his pitch—and I heard him say it on TV again last night—is that the House of Representatives should pass a bill that was passed in the Senate related to 2001 and 2003 income taxes.

The President is a constitutional scholar, and he served in the Senate. He knows that can't be done. It is unconstitutional. The Constitution requires that all revenue measures must be initiated in the House of Representatives. That is one reason the bill got through the Senate, because everybody knew it couldn't pass. It was simply a statement by our Democratic colleagues. It wasn't serious legislation. But if we look at the legislation itself, we begin to see why Republicans are so opposed to what the President is proposing—because of the job-killing policies contained in that bill the President would ask the House of Representatives to pass.

What are we talking about specifically? I don't like to get into this kind of detail very often, but somebody has to at some point just discuss the actual facts of what this bill would do. It would raise the marginal income tax rates from 33 percent to 35 percent in the fourth bracket, and in the fifth bracket from 36 percent to 39.6 percent—almost 40 percent.

Well, what is the problem with that? Let's start with the fact that 53 percent of all income from so-called flowthrough businesses is subject to these higher tax rates. That is because most small businesses are not corporations. They are called flowthrough entities—subchapter S corporations, limited partnerships, and those kinds of entities that pay their income taxes as if they were individuals. So they are governed by the top two marginal rates.

Well, they are governed by all the marginal rates of the income-tax code. So when we raise those rates, we are raising taxes on much of small business income. In fact, almost 1 million small business owners—940,000 to be exact—would be hit by the higher taxes caused by the President's proposal. That is an average, by the way, of well over 18,000 per State of the Union.

What else would it do? It goes directly to business taxes, such as capital gains taxes. It raises that from 15 to 20 percent, which is why we are seeing a lot of activity right now taking advantage of the lower rate, and we are going to find virtually none of that after this rate is increased to 20 percent. It is one of the reasons we will go back into recession, as the Congressional Budget Office has pointed out.

It also raises taxes on qualified dividends from 15 percent, where it is today. The problem of raising taxes on qualified dividends is, as the Wall Street Journal has reported over and over again, that companies that are paying dividends are dumping them all right now so they will all be paid out before the end of the year.

If you are a retired teacher or a retired fireman or have a pension and you are counting on your investments to pay dividends in the future, forget it. Once the dividends rate goes back up, corporations are not going to plow their earnings back into dividends to the shareholders as they do today. But these don't even tell the whole story because, of course, once you are taxed as a corporation—and this pertains just to the corporations, not the flowthrough entities I mentioned—you are doubled-taxed if you also pay a dividend or you have a capital gain. You have to pay not only your corporate income tax but the tax on the gain, or the individual pays the tax on the dividends that are paid out by the corporation.

So we already have the fourth highest integrated capital gains and dividends rates in the industrialized world at over 50 percent. Why would we want to make ourselves even less competitive by raising these taxes? We would fall even further behind our international competitors with the second highest capital gains rate, 56.7 percent.

Talk about a blow to the economy—which is the way the President put it 2 years ago when he decided not to raise all of these rates. Of course, we all agreed with him on that. It would be an even bigger blow to the economy to do so today. Our growth rate today is less than it was 2 years ago when the President himself said these very policies he is advocating would be a blow to the economy.

The last thing I would mention, everybody knows about the death tax. We have forgotten about what would happen with the death tax. The death tax rate would go to 55 percent, up from 35 percent today. A lot of people think 35 percent is way too much and would like to see it eliminated. I would. But think about this. You would only have $1 million of the farm or the business or the estate exempted from the tax. After that, over half—55 percent—of everything you have worked for all your years would have to go to Uncle Sam, leaving your heirs frequently with the requirement of selling off all or part of the business or the farm, whatever it is, in order to pay for the estate tax.

It would increase the number of estates hit by the death tax from 3,600 this year to over 55,000 next year. There would be 24 times more farm estates that would be hit, 13 times more small businesses, 15 times more taxable estates.

This is not good for our economy, and it is not good for our families. The estate tax raises about 1 percent of all the tax revenue. To hurt the small businesses again by raising this death tax rate is just unconscionable.

People need to stop and think. This is not just about hitting the rich; this is about hitting small business folks, the very people we anticipate will create the jobs coming out of the economy.

Let's turn to job creation issue for just a second. Ernst & Young, the respected accounting firm, released a study recently that estimated the long-run effects of a plan very similar to the Senate bill that the President is advocating—the top two rates increasing, combined with the ObamaCare tax rates taking effect, all of this together, that study found that 710,000 jobs would be lost just as a result of this, 710,000 jobs.

The President likes to brag every now and then that we have an increase

of 100,000 or 115,000 jobs in a month. Here is 710,000 jobs they say would be lost just from the increase in these tax rates. Our gross domestic product would decline by $200 billion, and wages would fall by 1.8 percent.

I know these statistics make our eyes glaze over sometimes, but these are the facts; these are the results. And poorer families and a weak economy and a lot of joblessness are the result.

To put these numbers into perspective, 42 business organizations representing tens of millions of American employees—including those in wholesaling, air conditioning, retail, franchising industries, and others—recently sent a letter to the congressional leadership urging Congress not to raise income taxes during negotiations over the fiscal cliff and instead to pursue comprehensive progrowth tax reform.

I ask unanimous consent to have this letter printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. KYL. I will conclude by quoting one sentence from it.

> We call on Congress to avoid raising marginal tax rates on employers, either as part of negotiations over the fiscal cliff, or as part of a larger effort to reform the tax code. Instead, Congress should seek to enact comprehensive tax reform that simplifies the tax code and encourages economic growth for both passthrough businesses and corporations.

As I said, the passthrough entities are those small businesses, and the corporations are those that pay under the corporate tax rate. So I think the data, as well as the voices from employers around the country, make it clear that the Senate bill, combined with the tax increases from ObamaCare, would have a devastating effect on economic growth and our ability to create jobs.

What should we do instead, just to summarize? I think the better approach is the one the Republicans have been proposing. We actually have a plan, as opposed to the administration's plan—the only part of which I can discern is to pass the Senate bill, which raises tax rates. Our plan is to avoid the tax rate increases that would otherwise automatically occur on January 1 and commit to tax and entitlement reform that raises revenue through economic growth, eliminates wasteful credits and deductions and loopholes, and cuts spending in the future.

Recall that, in 1986, President Reagan signed into law a historic tax reform bill that lowered corporate and individual tax rates and eliminated a lot of loopholes. It wasn't a perfect bill, but the 1986 reform package can serve as a guide for revenue-neutral tax reform moving forward. Cutting our corporate tax rate—which had a combined rate of 39.2 percent as the highest in the industrialized world—would dramatically boost American competitiveness and improve our standard of living.

Many studies have found that lowering our corporate rate will increase growth, including one which found that cutting the corporate tax rate by 10 percentage points can increase the annual growth rate by around 1.1 percent. Since we are only a little over 1.1 percent as it is, cutting it by that much would have a dramatic impact.

Comprehensive tax reform also means lowering tax rates on individuals, including the 95 percent of passthrough entities that file as individuals.

The Reagan tax reform also provided relief for businesses that are not structured as C corporations. During Ronald Reagan's 8 years, 20 million new jobs were created. More specifically, after tax reform became law, inflation and unemployment fell.

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

Mr. KYL. Mr. President, I ask unanimous consent to proceed an additional 1 minute.

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

Mr. KYL. If we are interested in growth, Congress must avoid raising tax rates in the lameduck session and instead pursue tax reform, which sends a signal to the world that we are open for business.

Short of going off the fiscal cliff entirely, passing the Senate tax increase instead of pursuing these progrowth and fiscal reform ideas is the worst idea on the table. Raising the top two marginal rates would reverse longstanding tax policy and hit nearly 1 million business owners in the process, and it would eliminate over 700,000 jobs.

So if the President is genuinely interested in economic growth and higher tax revenues that come from it, he should drop his demands for the Senate bill and listen to the growing bipartisan consensus that higher taxes hurt growth and lower taxes help create jobs and prosperity.

EXHIBIT 1

NOVEMBER 27, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Capitol Building, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Capitol Building, Washington, DC.
Hon. JOHN BOEHNER,
Speaker of the House, U.S. House of Representatives, Capitol, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives, Capitol, Washington, DC.

DEAR CONGRESSIONAL LEADERSHIP: As organizations representing millions of passthrough businesses employing tens of millions of workers, we strongly urge Congress to pursue comprehensive tax reform that lowers rates on all forms of business income while enacting significant entitlement reforms that put the federal budget on a sustainable fiscal path.

Congress faces two fiscal challenges in the near future. First, it will need to take action on the ''fiscal cliff'' of expiring tax provisions and automatic spending cuts. Second, it will need to raise the debt ceiling.

In taking on these challenges, we call on Congress to avoid raising marginal tax rates on employers, either as part of negotiations over the fiscal cliff, or as part of larger effort to reform the tax code. Instead, Congress should seek to enact comprehensive tax reform that simplifies the tax code and encourages economic growth for both pass-through businesses and corporations.

Raising rates on individuals and employers will harm hiring and investment now and into the future. According to the Congressional Budget Office, allowing top tax rates to rise to their pre-2001 levels and beyond will result in 200,000 fewer jobs early next year. Ernst & Young has estimated that the impact of these higher tax rates will be to reduce long-term employment levels by more than 700,000, while also lowering overall investment and suppressing wage levels.

The prospect of higher marginal tax rates is already having an adverse impact on the economy. According to the National Federation of Independent Businesses, two-thirds of business owners cite the uncertainty over future fiscal policy as making it more difficult for them to grow their businesses and increase employment. At the same time, the rate of business creation is at its lowest level in two decades.

Although some have asked Congress to enact corporate-only reform in the coming year, there is no economic or political justification for reform that lowers marginal tax rates on corporations while raising either marginal or effective tax rates on the 95 percent of businesses structured as passthrough entities who employ more than half of the U.S. workforce.

Finally, we are eager to see Congress enact permanent, comprehensive tax reform, but this alone will not solve the long-term fiscal imbalance. The Trustees to Social Security and Medicare have made clear that, absent reform, these programs are unsustainable. While Congress should commit to tackling comprehensive tax reform, it is also imperative that Congress agree to develop a long-term plan to address America's entitlement programs as well.

Simply put, we need to reform our tax code and we need to reform our entitlements.

Sincerely,

Air Conditioning Contractors of America, American Council of Engineering Companies, American Farm Bureau Federation®, American Foundry Society, American Supply Association, American Trucking Association, AMT—The Association For Manufacturing Technology, Associated Builders and Contractors, Associated Equipment Distributors, Associated General Contractors of America, Automotive Aftermarket Industry Association, Financial Executives International, Food Marketing Institute, Heating, Air-conditioning & Refrigeration Distributors International, Independent Insurance Agents & Brokers of America, International Foodservice Distributors Association, International Franchise Association, Metals Service Center Institute, National Apartment Association, National Association of Convenience Stores, National Association of Wholesaler-Distributors.

National Automobile Dealers Association, National Beer Wholesalers Association, National Electrical Contractors Association, National Federation of Independent Business, National Grocers Association, National Lumber and Building Material Dealers Association,

National Marine Manufacturers Association, National Multi Housing Council, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, National Small Business Association, National Utility Contractors Association, Printing Industries of America, Professional Beauty Association, S Corporation Association, Service Station Dealers of America & Allied Trades, Tire Industry Association, Truck Renting and Leasing Association, United States Chamber of Commerce, Wine & Spirits Wholesalers of America.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate Senator KYL's comments, and I share them. We are going to miss the most knowledgeable fiscal tax expert in the Senate, and his long career includes time on the Finance Committee. I thank Senator KYL.

I want to express some reservations about the negotiations that have been going on, as I understand it from reading the paper, involving the fiscal cliff.

Over the last 2 years, Congress and the President have held an endless series of negotiations. There have been Gangs of 6 and 8, a supercommittee of 12, talks at the Blair House and the White House. But the only thing these secret talks have produced is a government that skips from one crisis to the next. Everything has been tried but open production of a 10-year plan from this Senate that is required by law, that would allow us to openly debate and discuss concretely the financial challenges we face today.

All of this secrecy allows the President to position himself as being in favor of a balanced plan—which is what he says: I favor a balanced plan—while the only comprehensive proposal, to my knowledge, he has actually laid out was in January or February of this year when he laid out his budget. Of course, it was voted down unanimously. In both the House and the Senate not a single person voted for it. But he did lay out a financial plan for the country. He put it on paper.

Basically, it increases taxes to fuel more spending. That is what the plan did. It increased taxes $1.8 trillion and increased spending $1.4 trillion over the agreement we just reached under the Budget Control Act in August, a year ago.

So we reached agreement on 10 years of spending limits in August, a year ago. Then January, 6 months later, he proposes a budget that would increase taxes $1.8 trillion and spending that would increase another $1.4 trillion over that BCA baseline: tax and spend. Not taxes to reduce deficits but taxes to fund new spending. That is why the budget puts us on track to have $25 trillion in total debt at the end of 10 years—another almost $10 trillion in debt added to the current debt level.

Insofar as I can see, that tax-and-spend policy remains his goal today. The White House isn't planning to raise taxes to reduce the deficit. It raises taxes, under their plan, to expand government. That is not acceptable. I don't believe Congress will accept such a deal if that is what is going on in these secret negotiations.

President Obama campaigned on tax increases just on the wealthy, just on raising their rates, just only $800 billion in tax increases. But now the White House is demanding $1.6 trillion in tax increases. Don't the American people have a right to see where those taxes fall, who they will impact, and how much they are?

Shouldn't the President lay out his plan? He is the President of the United States and the only person who represents everybody in the country. Will that remain a secret? Will it just be revealed to us on the eve of Christmas or the eve of the new calendar year? We will be asked to vote for or to ratify like lemmings, I suppose.

The White House has repeatedly asserted they believe in $2.50 in spending cuts for every $1 in tax hikes, which does not reflect sufficient spending cuts. But if the White House now wants $1.6 trillion in new taxes, where are the $4 trillion in spending cuts? Have those been laid out? Do we know what they would be? And this is over 10 years. These spending cuts would be very achievable if we put our minds to it.

The ACTING PRESIDENT pro tempore. The Republican time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to have the full 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleagues for their courtesy.

In fact, the President has given speeches calling for more spending. On Tuesday, he gave a speech in which he said he wants to use the tax hikes to ''invest in training, education, science, and research.''

When you are in a deep hole and you are borrowing almost 40 cents of every dollar you spend, shouldn't you constrain yourself and not start new programs? Or if you start a new, needed program, shouldn't you reduce some less valuable program to pay for it instead of just taxing to create more programs?

Not once in the speech did he discuss entitlements. That is the largest item in our government, entitlements. Not once did the President of the United States discuss with the American people the problem that Social Security, Medicare, and Medicaid are on an unsustainable path and are at great risk. Shouldn't the President honestly talk to the American people about that?

He didn't discuss our $16 trillion debt and how the Debt Commission he appointed indicates that we are on an unsustainable path, heading to a fiscal crisis. He did not discuss the economic catastrophe that could occur if we don't get off this unsustainable path.

The President should lead on these things. I don't think this is a partisan complaint. I am saying the President of the United States should be discussing with the American people the great danger of our time: the debt.

The President will go out to the press and use the buzz words that say he has a balanced plan or a responsible path to deficit reduction. But where are the spending reductions? What is the plan?

It seems to me the plan is to talk in general, to meet in secret day after day, week after week, the deadlines getting closer, the fiscal cliff getting closer. Then, under threat of panic, force through some deal that maintains the status quo: more taxes, more spending, more debt. And it will be presented to the Senate in a way that, if it is not adopted immediately, the country will be in great fiscal danger. This process needs to be taken out of the shadows. We need public debate, and then people would know the facts that are now being hidden from us, hidden from Members of Congress. We don't know what is going on. The latest article in Politico today said the deal—the so-called deal has been negotiated by the Speaker of the House and the President. Not even HARRY REID is in the meetings, apparently—certainly not the Members of the Senate or the Members of the House of Representatives.

If we had a public debate, people would discover that according to the CBO, mandatory spending is going to increase nearly 90 percent over the next 10 years. To get the country under control requires some real tough focus, but it does not mean we are going to have to cut spending dramatically, just reduce the growth of spending. Expenses on welfare are particularly interesting. Mandatory spending, that is, the entitlement programs of all kinds, is set to automatically increase 90 percent over the next decade. That is over half of our budget. We already spend $2.3 trillion on mandatory costs today in our budget—this year we will spend 2.3 trillion—but we will spend $4.12 trillion in the 10th year from now. Those are the projected growth patterns we are on. This is a huge increase, and we do not have the money.

People would also learn from public debate that welfare costs are now the single largest item in the budget, exceeding Medicare—larger than Medicare, larger than Social Security, larger than the defense budget. We spend enough on these poverty programs to send every household beneath the poverty line in America a check for $60,000, each family. That is how much we are spending. The President's plan apparently would not deal with that at all. Indeed, the Budget Control Act of 15 months ago that was passed explicitly failed to address some of the biggest items in that budget.

I do not see how we can support a plan that does not at least begin to reform these programs and improve their operation. Is this going on in the secret talks? Are they talking about it or, like the Budget Control Act, is this off-

limits, not to be discussed? Will welfare reform be a part of the framework of the settlement that will be dropped on the Senate? We do not know.

Meanwhile, the President demands more taxes and refuses to do anything about waste, really. I have not seen any strong management leadership from this White House that gives me confidence that we should send more money. There are lavish conferences, duplicative programs, billions in refundable tax credits being mailed every year to illegal aliens or children not even in the United States—billions from their own department, the reports tell us. No one is managing this government effectively. Why should the American people send one more dime in taxes to Washington when we will not reform and manage the money we are already getting from them? The American people should not send more money to this dysfunctional government. They should insist that we fix what is going on here first.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to share these remarks. I ask for 1 additional minute to wrap up.

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

Mr. SESSIONS. I thank my colleagues.

I would say I am concerned about the nature of these secret talks, the fact that the Senate is really not participating. From the reports, it is only the Speaker and the President of the United States discussing it, and that appears to be—from what I picked up—to be true. Apparently, the majority leader is not intimately involved, the chairman of the Budget Committee is not involved, and the chairman of the Finance Committee is not involved. These are Democratic leaders in the Senate, certainly not Republican leaders in the Senate.

The Senate is a great institution. We ought to be engaged, and the engagement of the Senate allows the American people to know what is happening. They are entitled to that. I really believe we can do better. We must do better.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I return to the floor of the Senate to urge all of us here to extend the production tax credit for wind energy. This is a crucial tax credit that supports an industry that employs literally tens of thousands of workers across our entire country. Our failure in the Congress to quickly extend this job-creating credit has already halted further development and jeopardized the future of this industry and the good-paying jobs that come with it.

The PTC, as it is known, the production tax credit, has been a major driver of wind power development because it literally leverages billions of dollars in investment, which then in turn creates thousands of jobs. But here in the Congress we have gone back and forth repeatedly between extending it and retiring it. This on-again/off-again status has contributed to a boom-bust cycle that threatens the future of this industry and our energy security in turn. It is time for us to act, act now, and extend the PTC so the wind industry and its employees can have a secure and prosperous future.

Mr. President, I look forward to talking about your State, New Mexico. You know I come to the floor every day to talk about the importance of the PTC, and I focus on an individual State when I come to the floor. Today I would like to talk about New Jersey.

New Jersey's wind industry will suffer without an extension of the PTC. Its industry is in the early stages of development, but the Garden State is already making real progress in becoming a manufacturing center for wind. While it is a manufacturing center that is building the turbines and blades, it is also taking a leading role in developing coastal wind power and then harnessing the offshore wind potential we know exists in the oceans off of New Jersey. An environmental review initiative by the Interior Department has paved the way for the sale of wind energy leases off the coast of New Jersey, Delaware, Maryland, and Virginia in the Outer Continental Shelf. Several coastal projects are under way in the Garden State, including in South Jersey off the coast of Cape May, down here in the southern part of New Jersey. New Jersey is also home to the first coastal wind farm in the United States, the Jersey Atlantic Wind Farm. There are five turbines at that wind farm. They are producing a total of 7.5 megawatts, which is enough energy to power 2,000 homes.

Like my Home State, like the home State of the Presiding Officer, New Jersey knows we need an all-of-the-above energy strategy to improve our energy security. My colleagues from New Jersey, Senator MENENDEZ and Senator LAUTENBERG, have been fighting to accelerate the transition to renewable domestic energy. Both have been champions for extending crucial tax credits such as the PTC. They know these credits help both New Jersey consumers and New Jersey businesses install and utilize energy from the wind.

The wind energy industry supports close to 500 New Jersey jobs, many of which are located at the 9 manufacturing facilities that make components for wind turbines. Those facilities are located in the green circles shown here on the map of New Jersey. The current level of wind production in New Jersey has helped the State reduce its carbon emissions by some 1,500 metric tons every year.

I want to return to the point I make every day I come to the floor to talk about the production tax credit. If we do not extend it, the manufacturing sector in New Jersey and many other States will literally wither. If we do not extend the PTC, we risk sending our energy jobs overseas. This is flatout unacceptable.

The wind production tax credit has strong support from a broad array of industry groups. Let me share some of those groups with my colleagues and with the viewers. The U.S. Chamber of Commerce has endorsed the extension, as well as the Governors' Wind Energy Coalition, the National Governors Association, and the American Farm Bureau Federation, among a number of other groups that support this extension.

Think of it this way: Wind energy is made-in-America energy that bolsters U.S. manufacturing. It creates good-paying American jobs, and it puts us on the path to energy independence. I urge my colleagues, I ask my colleagues of both parties to stand with me and stand for American manufacturing and made-in-America energy. Our wind energy industry and our energy security are depending on it. We need to extend the PTC as soon as possible. It is that simple. The PTC equals jobs. Let's pass it as soon as possible.

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Mr. President, I rise today in support of the National Defense Authorization Act for Fiscal Year 2013. I wish to commend the work of my colleagues on the committee, particularly Chairman LEVIN, who is here, and Ranking Member MCCAIN, for their incredible diligence, dedication, and commitment to the men and women of our Armed Forces.

For 50 consecutive years, the Senate has passed a Defense authorization bill, and I hope very much that we will soon be able to send the President a bill for his signature consistent with that record of faithful service to those who

serve us so faithfully. We owe it to our servicemembers and to the Nation to quickly but very deliberately pass this legislation and send it forward to the President. We made tough decisions putting this bill together—especially in these difficult economic times—but I am confident this bill provides a budget that allows the DOD to combat current threats, plan for future threats, and to provide for the welfare of our extraordinary men and women in uniform.

I wish to note a few issues in this legislation.

First, we have endeavored to make improvements to the Military Lending Act, which Congress passed in 2006 in order to protect Active-Duty servicemembers and their families from some types of high-cost loans and unfair credit practices. The Military Lending Act imposed a 36-percent annual percentage rate cap on certain types of consumer credit extended to servicemembers. Our intention was to protect Active-Duty servicemembers and their families from high-cost loans and unfair credit practices. Unfortunately, lenders have been finding ways to circumvent these regulations. For example, some payday lenders have made superficial changes to the structure of their loans, styling them as ''open-end'' credit or setting the terms slightly longer than the regulations to get around the rules under the Department of Defense of what constitutes ''consumer credit.''

I am pleased that provisions I added to the underlying bill address some of these problems with targeted changes to improve how this law is implemented. In particular, it removes definitional loopholes to ensure that payday and car title loans, whether structured as closed-ended or open-ended credit, are subject to the 36-percent cap and other protections of the MLA. Let me underscore the 36-percent cap. We are talking about a very generous rate of return on these loans to lenders, particularly in the context of very low rates across the economy. It also requires the DOD to review its MLA rules periodically and to consult with financial regulators biannually to determine if new credit products are harming servicemembers and should be covered by the Military Lending Act protections.

The bill has been strengthened by the recent passage of an amendment offered by Senator MARK UDALL to remove a provision in the Senate Armed Services Committee-reported bill that would have limited the ability of the Department of Defense to purchase alternative fuels, such as advanced biofuels. I voted against this provision in the committee and joined my colleagues in urging a vote for this amendment. Reducing our dependence on oil requires a smart, balanced, and responsible energy policy, one that involves all government agencies, including the Department of Defense. I am pleased that the Department of Defense will retain the flexibility to pursue alternative fuel technologies that not only help them achieve their mission but also help our country reduce our dependence on oil.

In addition, Senator HAGAN has offered an amendment to remove a provision that would prohibit the DOD from being able to enter into contracts for the planning, construction, or retrofitting of plants and refineries to produce advanced biofuels. I opposed this provision in the committee and encourage my colleagues to support Senator HAGAN's amendment.

I am also working on a few amendments I would like to mention. One would provide further consumer credit protections for servicemembers, another would limit the increases of out-of-pocket prescription drug costs, and a third would create a pilot program to allow nonprofits to apply for grants to rehabilitate and modify homes for disabled veterans.

My amendment No. 3014 would further improve the Military Lending Act provisions in the underlying bill by strengthening its enforcement. During the past 5 years, we have learned that enforcement rules provided in the MLA are not up to the task. Currently, if a lender violates the Military Lending Act, it is a criminal misdemeanor, with violators to be fined as provided for in title XVIII or up to 1 year imprisonment or both. Criminal liability attaches only for knowingly violating the statute.

My amendment will clarify that all Federal agencies that enforce Federal credit laws can enforce the Military Lending Act. In addition, it will ensure that State attorneys general and State credit regulators who license and supervise many of the lenders who lend to our servicemembers and their families can enforce the Federal law protections provided by the Military Lending Act. I believe our service men and women need a full panoply of protection not just from the Department of Defense but from every Federal agency involved in these issues, including State and local agencies. I honestly believe that State and local officials, particularly where there are major installations, vigorously want to protect the rights and the benefits of our men and women in uniform, and they should have that opportunity.

Comprehensive and fair enforcement of the Military Lending Act is critical to Active-Duty servicemembers and their families. My amendment is supported by the Fleet Reserve Association, the Military Officers Association of America, the National Association of Consumer Advocates, the Military Justice Project, the National Military Family Association, Americans for Financial Reform, the Center for Responsible Lending, the Consumer Federation of America, the National Consumer Law Center on behalf of its low-income clients, and the U.S. PIRG. All of these agencies recognize the need to protect our men and women in uniform.

I have joined with Senators RUBIO, MCCASKILL, and WHITEHOUSE to introduce amendment No. 3017 to curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. The Department of Defense has proposed an increase in prescription drug copayments for TRICARE beneficiaries. In some cases, copayments could almost double or even triple. For example, under the proposal, out-of-pocket costs for a brandname drug picked up at a local pharmacy would more than double, increasing from $12 to $26. Ensuring the fiscal soundness of TRICARE is critical, but we should limit the burden on beneficiaries in our efforts to shore up the program.

This amendment would curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. For instance, instead of paying $26 for a brandname drug, a TRICARE beneficiary would pay $17 at a retail pharmacy, a $5 increase from last year as opposed to a $14 increase. DOD would be prohibited from instituting dramatic increases in prescription drug copayments in future years. Copayments could only increase at the rate of the annual cost-of-living adjustment, or COLA.

To protect beneficiaries from out-of-pocket increases, the amendment proposes to achieve the necessary savings by requiring the Secretary to enroll beneficiaries age 65 and older with maintenance medication—that is, medications for chronic conditions—in a 5-year mail order pharmacy pilot program. Beneficiaries would be eligible to opt out of the mail order program after 1 year if they felt it did not adequately meet their needs.

To ensure TRICARE beneficiaries have access to their prescription medications, they would be able to secure an initial 30-day fill at a local retail pharmacy. And the amendment ensures that they will not be denied a maintenance medication at a retail pharmacy if they ever find themselves running low and in need of a quick refill.

The amendment would expressly prohibit the Secretary from including medications for acute care needs in the mail order pilot program, as well as medications dispensed to residents of long-term care facilities. The Secretary would also have the discretion to exempt other medications and other populations.

This amendment is supported by the Military Coalition, a group of 30 organizations representing more than 5.5 million members of the uniform services—active, Reserve, retired, survivors, veterans—and their families.

My third amendment, No. 3165, which is identical to the Housing Assistance for Veterans Act that I recently introduced, would create a new pilot program at the Department of Housing and Urban Development that would provide home rehabilitation and modification for veterans who are low income or disabled and who own their homes or are living in the owner-occupied home of a family member.

This amendment fills a crucial gap because it would serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service connected or not.

With this amendment, eligible veterans would have the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures—all so these homes are more suitable and safer for our veterans.

I hope we can work together to consider these amendments, and other amendments that have been proposed by my colleagues.

As for the underlying bill, I wish to point out a few more of its highlights.

The bill authorizes a 1.7-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special payments for our men and women in uniform.

It authorizes the Secretary of Defense to carry out a research program with community partners to enhance DOD efforts in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in Guard and Reserve members, their families, and their caregivers—a provision which I worked on with Senator AYOTTE to have included in this bill. We have an incredible problem with respect to returning veterans, active-duty personnel, and their families in addressing their mental health challenges, and unless we fully engage all the resources across this country, we will not be able to successfully meet the needs of these young men and women. We hope this amendment will help in that regard.

The legislation also extends authorities to continue several ''train and equip'' programs to assist foreign militaries in counterterrorism and counternarcotics missions. This is one of the emerging and critical roles that in the future we must embrace and support.

Additionally, the legislation authorizes $5.7 billion for the Afghanistan Security Forces Fund to build the capacity of the Afghan Army and police so those forces can continue to take the security lead throughout Afghanistan. Once again, this is a central foundation to our plans to withdraw the vast majority of our forces by 2014.

This year once again I had the honor of serving as the chairman of the Seapower Subcommittee, alongside Senator WICKER, my colleague from Mississippi, the ranking member. Working together, our subcommittee focused on the needs of the Navy, the Marine Corps, and strategic mobility forces. We put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

Specifically, the bill includes the required funding for two Virginia-class submarines, provides multiyear procurement authority to the Navy to purchase the next block of submarines, authorizes the Navy to use incremental funding to buy an additional Virginia-class submarine in fiscal year 2014, and provides an additional $777.7 million in advance procurement for that second boat in 2014.

The bill also approves the funding for other major programs, including the DDG–1000, the Aircraft Carrier Replacement Program, the DDG–51 Aegis destroyer program, the Littoral Combat Ship, the Joint High Speed Vessel, and the P–8 maritime patrol aircraft.

I am particularly pleased about the funding for the Virginia-class submarines and the DDG–1000, which so many Rhode Islanders help to build.

We also included language that would permit the Navy to use multiyear procurement authority to buy the V–22 Osprey aircraft and the Arleigh Burke-class destroyers so we can procure these platforms as efficiently as possible.

I want to offer my particular thanks to Senator WICKER, the other members of the Seapower Subcommittee, and our staffs who have done an extraordinary job through their diligence, their dedication, and their profound commitment to the men and women, particularly, of the Navy and the Marine Corps.

We have a good bill before the Senate. I urge adoption of the amendments I have discussed, and I would urge very quickly and very timely the passage of the legislation so we can once again send the Defense authorization bill to the President for his signature.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWN of Ohio). Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report 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.

Pending:

Kyl amendment No. 3123, 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.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before Senator REED leaves the floor, I want to first thank him for his comments about myself and Senator MCCAIN and the other members of our committee. Senator REED of Rhode Island has and will continue to make—and, hopefully, for many decades to come—an extraordinary contribution to the work of this body. I have seen it firsthand on the Armed Services Committee where he is the chairman of the SeaPower Subcommittee, but way beyond that. He brings an experience and a thoughtful commitment to this work which is second to none, and it is incredibly valuable to every member of our committee to have him as a member of the committee. I cannot express how grateful I am for that, and I cannot exaggerate how grateful I am for his presence and for his work.

Mr. REED. If I may simply say that I thank the chairman.

Mr. LEVIN. Mr. President, in a few minutes I hope to be able to lay out a roadmap for our work here—at least for the next couple hours. We hope to be able to deal with a modified Kyl amendment as well as dispose of, we hope, an Ayotte amendment and a Hagan amendment. There will be debate with each of those, and this is just tentative because I want to discuss this, obviously, with Senator MCCAIN. But if this works out, there could be a couple votes in an hour or so. But, again, I am not announcing that; I am just sort of giving as early a warning as I can to our colleagues as to what is at least a likely prospect at this time. But, again, that is going to have to await the presence of Senator MCCAIN, with whom I am working so closely on this matter.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENTS NOS. 2888, 2924, 2949, 2960, 2963, 2969, 2991, 3083

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up and agreed to en bloc, the motion to reconsider be considered made and laid upon the table with no intervening action or debate: Kohl No. 2888, Manchin No. 2924, Webb No. 2949, Wyden No. 2960, Sessions No. 2963, Heller No. 2969, Hoeven No. 2991, and Barrasso No. 3083.

Mr. MCCAIN. All these amendments have been cleared on our side.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2888

(Purpose: To provide for the payment of a benefit for the nonparticipation of eligible members in the Post-Deployment/Mobilization Respite Absence program due to Government error)

At the end of subtitle A of title VI, insert the following:

SEC. 602. PAYMENT OF BENEFIT FOR NONPARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of $200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer $2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms ''Post-Deployment/Mobilization Respite Absence program'' and ''Secretary concerned'' have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

AMENDMENT NO. 2924

(Purpose: To require an additional element in the report on the accuracy of the Defense Enrollment Eligibility Reporting System)

On page 175, line 10, insert after ''in order'' the following ''to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and''.

AMENDMENT NO. 2949

(Purpose: To extend the temporary increase in accumulated leave carryover for members of the Armed Forces)

At the end of subtitle C of title V, add the following:

SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRYOVER FOR MEMBERS OF THE ARMED FORCES.

Section 701(d) of title 10, United States Code, is amended by striking ''September 30, 2013'' and inserting ''September 30, 2015''.

AMENDMENT NO. 2960

(Purpose: To require a report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty)

At the end of subtitle B of title V, add the following:

SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a ''soft landing'') is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

AMENDMENT NO. 2963

(Purpose: To authorize the posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army)

At the end of subtitle H of title V, add the following:

SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

AMENDMENT NO. 2969

(Purpose: To require a report on the future availability of TRICARE Prime throughout the United States)

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

SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(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 setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

AMENDMENT NO. 2991

(Purpose: To express the sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems)

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

SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

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

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear ''Triad'' of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that ''[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities''.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that ''it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems''.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to ''modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM'' and to ''maintain the United States rocket motor industrial base''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

AMENDMENT NO. 3083

(Purpose: To authorize the Secretary of Defense to maintain the readiness nd flexibility of the intercontinental ballistic missile force)

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.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I wish to talk this morning about an amendment I had intended to offer but I am not going to be offering today because there is an important portion in the House Armed Services Committee that covers my concerns. That was the amendment I had drafted that is cosponsored by Senators LIEBERMAN and COLLINS. I appreciate their support.

My amendment would establish an east coast ballistic missile defense site to make sure the east coast of our country is protected from missile threats. Let me describe why I thought it was very important. My amendment would have established both a study on three potential locations for an east coast missile defense site, an environmental impact study, and a plan for deployment of that site.

Where we are right now, unfortunately, is we have Iran, and no one disagrees that Iran has an active ballistic development program. They can already reach Eastern Europe. Many analysts believe Iran will be able to develop the capacity to strike the mainland United States with an ICBM by 2015. Our existing missile defense sites right now that protect this country have the capacity—if, for example, North Korea were to launch an ICBM toward the west coast, we would have an opportunity for two shots at that missile to protect our country.

In other words, if the President of the United States got an awful call that a missile was coming from North Korea toward the western coast of our country, he would have an opportunity to have one shot, a look, and then a shot to take that missile down to protect our country; two shots to take the missile down.

But as it stands right now, when it comes to the east coast of our country, including the Capital, Washington, DC, the center of our government where we stand right now, my home State of New Hampshire, New York, all those population centers, if Iran were to develop the capacity to have an ICBM, where we are today is we would only get one shot at that missile if it were to be shot at the eastern coast of the United States instead of a shoot, look, shoot that we have if North Korea were to shoot a missile toward the western part of our country.

I think this is deeply troubling. We should be developing that capacity to make sure our country is fully protected.

I would like to address others who have looked at this. This year the National Research Council recommended an additional ballistic missile site in the United States in the Northeast to more effectively protect the Eastern United States and Canada, particularly against Iranian ICBM threats should they emerge. That is, of course, because some analysts believe they could develop that capacity as soon as 2015.

The markup coming out of the House Armed Services Committee already contains language and authorization for the actual establishment of an east coast missile site. That is one of the reasons I will not be offering my amendment today to conduct this study on environmental impact and also planned deployment because the House version already contains a requirement that an east coast missile defense site be developed.

Some would say—in fact, one thing I would like to address is that we may hear from the administration that they are working on a hedging—and a different hedging strategy—to make sure the east coast is protected. And that hedging strategy would be plans to deploy the SM–3 Block IIB missile in Poland. But where we are today with the SM–3 Block IIB shows why it is important for us to use technology that already exists to protect the east coast; that is, because the SM–3 Block IIB is only a plan on a piece of paper. It doesn't exist yet, and there have been concerns relayed about its development and, in fact, the development of the SM–3 Block IIB has already been delayed to 2021, which does not meet where we are with the potential that Iran could develop ICBM capacity by 2015. It just would not work.

But what we do know is that we already have technology that exists, and if we were to deploy a missile defense site now on the east coast, that we would get the opportunity to have a look, shoot, look on the east coast were Iran to launch a missile toward the east coast of our country.

We only need to look at what happened recently in the conflict with Hamas, the missiles that were being shot into Israel and the Iron Dome system to understand the importance of missile defense. Now, that is a system that focuses on short-range missiles, but we all saw the number of civilians that could be protected by the capacity of having a robust missile defense system, and I can't imagine why we wouldn't want to be in the position to make sure the east coast of our country would be as protected as the west coast when it comes to an emerging threat from Iran.

There is no question that the more we hear about the behavior of Iran, the more troubled we should be as a country. Not only do they have a robust missile development program, but we all know they are also making efforts to acquire the capability of having a nuclear weapon.

Now is the time for us to act, not to find ourselves in 2015 with no plans as to how to deploy an east coast missile defense site to make sure the east coast of our country has the same protection as the west coast. Now is the time to act because, in addition, in 2012 in the defense authorization, we asked the administration to submit a plan to us as to how they would hedge, a hedging strategy to make sure the east coast was as protected as the west coast.

They have yet to submit that plan, and so now is the time for us to make

sure we go forward with technology that already exists to ensure that the east coast of our country is protected.

I cannot imagine the President of the United States being in a position as we go forward in our country where, if a missile were coming from Iran toward our Capital, he would be told we only have one shot to take that missile down versus if a missile were coming to the west coast of our country in L.A. from North Korea, that we would have two shots to take that missile down.

We want to make sure our country is protected. The threat from Iran is a very real threat. That is why I was going to offer this amendment, to make sure we had a study, an environmental impact analysis and a plan that the Department of Defense could use to deploy an east coast missile defense site.

But my colleagues in the House, including Representative TURNER, have already addressed this issue directly with the requirement contained in the House mark of the Armed Services Committee. I think it is very important what they have done.

I thank the Chair very much for giving me the opportunity to speak today.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. First, I would like to speak to the Senator's amendment. I want to compliment her, commend her and her other cosponsors—Senator LIEBERMAN, Senator COLLINS, and others—in their effort to bring attention to what is clearly a great need that is going unmet. I agree the House's action is very important to begin to move this process forward.

The Senator's amendment is even less specific than the action taken by the House. We are going to need a study of the environmental impacts and evaluate possible locations. It is going to have to be done. It seems to me to make sense that this amendment would begin that process, and so I support that very strongly.

I would also like to speak to some of the military requirements which go to the fundamental question of whether we are going to move forward. If the Senator does not want to speak further right now, I would like to speak to that issue.

Ms. AYOTTE. Yes. Thank you.

Mr. KYL. All right. Mr. President, as I said, this particular amendment doesn't require that the administration actually establish a site for an east coast defense, but I do believe such a site would provide an important and critical measure of protection for the east coast of the United States and also those in the southeastern part of the United States.

This has become more important due to the cancellation of earlier plans to deploy long-range ground-based interceptors in Poland. That is what it originally was going to provide, full protection for the United States. That would have provided what is called an ''early shot'' or a shot early in the trajectory of a missile coming from someplace—for example, the Middle East—toward the United States.

In conjunction with the missile defense sites that we already have in Alaska and in California, a site further to the east would provide what is called a multiple-shot opportunity or an ability in the event that there was more than one missile or one had to distinguish between decoys or one of our first missiles wasn't effective in reaching its target; it would give us, in effect, a second chance to shoot down the missile, which is always what we want to do in planning these kinds of missile defense systems.

In fact, this was the actual rationale for, the actual basis for the third site deployment in Poland, to improve protection of the United States, while at the same time affording protection for our European allies against longer range ballistic missile threats from the Middle East.

This is a critical point. We are involved in missile defense not just to protect our allies, say, in Europe but also to protect the homeland of the United States of America. But the current administration's plan seems to be oriented toward protecting allies in Europe and not strengthening the protection of the people in the United States of America.

The administration says it can cover the ballistic missile threat from the Middle East with the current inventory of 30 ground-based interceptors. First of all, I seriously disagree with that assessment. In any event, there is no way to know if that can be done for sure.

Let me cite the President's own Ballistic Missile Defense Review report, which says:

> Looking ahead, it is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so.

So you can't say based upon what happened a couple of years ago, or the deployment of the ground-based interceptors, that only 30 of them, bear in mind, are going to protect our homeland at all.

Now how does the administration then plan to make up for what it has done in terms of canceling programs that further develop the so-called Ground-Based Interceptor. Well, it plans to compensate for this loss of original Ground-Based Interceptor deployments with something that is called the IIB missile, the SM–3 Block IIB.

That is a missile that would be deployed in Poland, for example, but the problem is there is no SM–3 Block IIB missile. That is something that is in the minds of some scientists. It is on vu-graphs. There are pictures of what it might look like, but there is no such missile.

Indeed, without discussing classified material here there is no way to know whether we are actually even going to be able to develop such a missile. In fact, its development, rather, has already been delayed to the year 2021.

Now, think about it. Think about it. This is 2012, and we wouldn't even begin developing such a missile for another 9 years? This is something way off into the future, if it works, and there is no commitment to deploy it and, indeed, the President has already talked with President Medvedev of Russia about further flexibility in designing our missile defense system. It is no secret that this is potentially on the chopping block, notwithstanding the commitments of the President earlier to deploy it.

The NRC has, in fact, recommended that there be an interceptor site on the east coast of the United States as a possible substitute for this Block IIB. This concern has been raised before, and the administration has yet failed to provide a hedging strategy that the fiscal year 2012 NDAA required. So we have known of this deficiency, the fact that the GBI system is not adequate, the fact that the SM–3 Block IIB system may never be deployed. We have asked for a hedging strategy.

So what do we do if none of this works, if we don't go forward with it? We don't have that even if the law has required it.

What this amendment does is to shine an even brighter light on the concern that I have had for a long time, which is why the administration hasn't provided sufficient resources and attention to our missile defense efforts to protect the homeland of the United States. That is precisely what this would do. Sure, it would help with regard to our friends in Europe, but the primary point of this is to protect the American people. What is wrong with that?

Some examples that lead to my concern are that in his first budget, the President reduced funding for the ground-based system. That is the Ground-Based Midcourse Defense System that is also known as the national missile defense system, by $500 million, $½ billion. Then another billion dollars was reduced between his fiscal year 2011 and fiscal year 2012, 5-year budget plans. So they have taken an enormous amount of money out of the development of the system that was supposed to protect the United States. The President cut back the number of Ground-Based Interceptors for the defense of the homeland.

Originally, under the Bush administration, it was going to be 44. Well, that is a pretty small number when you stop to think about it, but they have cut it back to 30. Then in addition they subsequently cancelled the 10 GBI interceptors that we were going to send to Poland for defense of Europe as well as the United States.

So they have not only cut back on the funding for the development of the program, they have cut back on the actual number of the interceptors that we have already developed.

Third, the President curtailed any significant development and modernization of the GMD system, and he

cancelled the Multiple Kill Vehicle Program, which was intended to be a significant upgrade to the current Kill Vehicle. The current design is over 20 years old.

When we talk about a kill vehicle, of course, we are talking about what is on the nose of the missile that goes up, the interceptor missile, how it intercepts the ballistic missile in flight, how it finds it, how it triggers the final phase of the intercept, and how it actually impacts the offending missile.

The technology has improved dramatically since the 20 years that has elapsed from the design of the original kill vehicle of the GBI. First of all, they have reduced funding for the program. Secondly, they have cut back the number of missiles in the program. Third, they have stopped the development of the next generation of the real business end of the missile, the kill vehicle, so that it can't improve with technology and improve to meet the evolving threats of those that are developing missiles against us.

Remember, countries such as Russia, for example, have extraordinarily sophisticated multiple-entry vehicles with decoys and other technology to try to evade a missile defense that the United States has produced. If we don't develop our technology and deploy it to keep up with these developments, we are not going to have an effective system.

Over the next 5 years the administration intends to spend $20 billion on regional missile defense compared with only $4 billion for homeland missile defense. So we are going to provide protection for our allies—European allies and so on—but only $4 billion over the next 5 years. That is about $1 billion a year on a system that is critical for the protection of the United States.

I would ask my colleagues to recall the Missile Defense Act of 1999, going all the way back then, which requires the United States to build a missile defense system capable of protecting our Nation against limited ballistic missile attacks from rogue nations and protect against any accidental and unauthorized launches from any source. We need to ensure our homeland missile defense system is as robust as possible, and a missile defense site on the east coast may be one of the best means for accomplishing this.

In other words, of course, we are concerned about North Korea or Iran, but there are a couple other countries in the world that may not wish us any harm but that have extraordinarily capable systems—I speak specifically of China and Russia. We have always wanted—and the law requires us—to provide protection against the kind of unauthorized or accidental launch that can occur. This is not an idle concern. We spend enormous amounts of time and energy and money trying to make sure these extraordinarily lethal weapons are never launched by accident or by some unauthorized event. That is one of the reasons for a missile defense system, to ensure that kind of accident never would result in harm to the United States. Of course, what they are also worried about is, if that ever happens, then there is the question of retaliation. How do we know this is not intentional? How do we know we shouldn't retaliate?

Wars can be started almost by accident, and the best protection against that is a missile defense system that can ensure no harm is done even if there is such a launch. In the meantime, we can find out whether this is real, whether we need to respond, whether we need to start another war. That is the benefit of a missile defense system.

It is beyond me why the administration reduces the funding, cuts back the numbers, and kills the advanced technology we could put into our system to protect the people of the United States of America. I understand the difficult choices that have to be made in a time of austerity, but we are not talking about extraordinary amounts of money. The amendment of the Senator from New Hampshire simply calls for a study of the location of the site and what the impact of that would be. That is the first step in deciding where to put this additional bit of protection.

I think this is a priority. To oppose just the idea of investigating how we are going to be proceeding, especially with the little bit of money that entails, is difficult to understand. It is not too much to ask. We have a moral responsibility to protect our people. It makes strategic sense because of the exposure of our American homeland to these long-range missile threats and because of the critical vulnerability we have right now.

The commander of NORTHCOM, the military entity with responsibility here—General Jacoby—told Congress last March:

> No homeland task is more important than protecting the United States from a limited ICBM attack . . . we must not allow regional actors, such as North Korea, to hold U.S. policy hostage by making our citizens vulnerable to a nuclear ICBM attack.

That is part of the problem. There are some people in the United States who actually believe it would be beneficial for the United States to be vulnerable to a missile attack from another country. They actually believe that would be advantageous. The reasoning is rather weird, but it goes something like this: If we develop defenses that could protect the American people, then other countries will want to develop even more effective systems that can try to override those defenses, and that puts us into a spiral of arms development that would be very costly.

One can argue that theory, but there are a couple things wrong with it. First of all, recall this was the argument used against getting out of the ABM Treaty to enable the United States to develop an antiballistic missile defense. It was going to create this big arms war between then-Soviet Union and the United States. It didn't. Both sides have reduced our warheads. One of the reasons why is because it is so expensive, and the Soviet Union, now Russia, realized we could have driven them into bankruptcy. It is one of the reasons—one of the reasons—Russian officials have cited for the collapse of the Soviet Union. They knew Ronald Reagan meant it when he said he was going to develop a missile defense system. They knew they couldn't spend enough money to overcome it or, if they tried, they would go into bankruptcy. It is expensive.

I don't necessarily think we have to fear a new expensive arms race because there are very intelligent people in other countries, such as Russia, for example, who appreciate the fact that would be a fools's errand. They may want to threaten, but they are not going to do it because they can't afford it any more now than they could back in the days of the Soviet Union. They know the United States has the resources to trump whatever they do come up with. That is the first point.

But the second point is the moral one. Is it moral for leaders who have responsibility for the national security of the American people to deliberately—knowing this is the case—leave them vulnerable to an attack that could kill millions of Americans at a time? If we have the means of avoiding that result, we should. We do. We have that means. It may require a little bit more money. It may require not cutting back the number of interceptors we have deployed. It may require continuing with the advancement of technologies we know are out there. It may require siting missiles in a country of Europe, on Aegis cruisers or on the east coast of the United States. We know how to do all these things.

Is it moral for leaders of the United States to leave our people deliberately vulnerable to an attack by others when we know we have the means to prevent it, and there is a cost-benefit that obviously favors the deployment of an additional site of ground-based interceptors?

I think for the Senator from New Hampshire to propose that we begin looking at where a new site might be and determine what the environmental impacts of that are as a complement to what the House of Representatives has already done in passing the bill that says we need to move forward is a perfectly reasonable step, and I commend her and the other cosponsors of this amendment for bringing this matter to the attention of the Senate and to the people of the United States. This is part of our responsibility to our constituents and all the other citizens of our great Nation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just to want follow up on the remarks of my colleagues Senator KYL and Senator AYOTTE.

Last year, I asked for and obtained language in the Defense bill that would

require the Defense Department to report on the effectiveness and need and ramifications of a hedging strategy for the United States, and that was due within 75 days of the bill being passed. My understanding is the Defense Department produced that analysis and they sent it to the White House as early as last spring and it has not been produced.

So now we have the House having passed language that actually funds moving forward with a hedging strategy on an American-based system to give us a layered defense, which I think is probably necessary but because we have not gotten a report from the Defense Department it is hard to know. I would first say it is not acceptable that we have not received that report. It has gone on too long. I guess I and Congress have been too reticent in insisting that it be produced.

I would say to the Defense Department and the administration, we expect that report to be produced. I don't want to cause trouble in your world, but it has been made, it has been sent forward, and it is time to have it come to the people's representatives who have to make decisions about how we are going to defend America. I will be using the various rights I have as a Senator to move that forward.

I wish to quote from a story in today's Washington Times, referring to a statement made by Mr. Fereidoun Abbasi, who is Iran's nuclear chief. The article states: ''Iran will step up its uranium enrichment program by sharply increasing the number of centrifuges used to make nuclear fuel.''

There are some people still saying we don't know if Iran wants to go forward with a nuclear weapon. How could this possibly be? They have been subjected to the most rigorous sanctions that are damaging their economy. Yet in today's paper their nuclear chief says they are accelerating their plans to go forward. There is no doubt about what they are doing. I wish it weren't so. I truly wish it weren't so. I had hoped they would change their mind. Maybe they will change their mind, but it is false to say they haven't made up their mind and they are not going forward to build a nuclear weapon. That is so plainly obvious I don't know how anybody could ever suggest otherwise. The only question is, Can we somehow bring to bear enough pressure on them to get them to change their mind? There is a long article about that in today's paper.

I was pleased Chairman LEVIN and both Democratic and Republican members of the Armed Services Committee produced a unanimous bill. Senator MCCAIN, Senator LEVIN, both fine, wonderful leaders of our committee, and every member all signed off on the legislation. I think that speaks well for our committee. They also approved this language dealing with the failure of the Department to produce the hedging report—and it has a number of fact-finding points in it which I will share with my colleagues:

The Director of National Intelligence, James Clapper, has testified to Congress that . . . ''Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload.''

That is President Obama's National Intelligence Director, and he is the man to make the final opinion on that for the President. Let me quote additional language from the committee:

The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, ''Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submissions payloads.''

Also in the report:

North Korea warned the United States in October 2012 that the United States mainland is within reach of its missiles.

I will wrap up, since I can't talk much longer anyway. We have to recognize the grim fact there are very dangerous countries with nuclear weapons—North Korea—or are rapidly developing them—Iran—capable of putting them on missiles and that have missile systems already. So North Korea has a missile system they believe can reach the United States right now. We need to be sure our defense system is sufficient. I wish it weren't so, but that is the way it is. I think the Defense Department understands this.

I think the administration says it does, and we are doing some good things to be prepared for that. However, we have to confront this question of an east coast site, and we need this report. I believe we are going to need additional layered defenses, and we might as well prepare to do it. In the scheme of the entire investment in our national defense, it won't be the kind of expenditure that will break the defense budget. It is something we can work into our defense budgets.

I thank Senators AYOTTE and KYL for their comments.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LEVIN. Madam President, we are waiting for Senator CORNYN to come to the floor, and he will be speaking on the modified Cornyn amendment. We also are waiting for Senator INHOFE to come to the floor, and he will be speaking on a Hagan amendment. Then we would expect, after a fairly short amount of debate—perhaps 10 minutes but not set yet—by each of them, perhaps a minute or two by the sponsors of the amendment, particularly in the case of the Hagan amendment, to describe the amendment, we would then go to a rollcall vote on both of those amendments. That is the plan. It is not yet in a UC agreement formally because we want to make sure we are protecting the Senators in terms of the length of time they need to describe either their opposition to the Hagan amendment in the case of Senator INHOFE or their support of the Cornyn amendment in the case of Senator CORNYN.

We hope Senator KLOBUCHAR will now be recognized for a few minutes to describe a couple of amendments she has filed. She is not going to call them up at this point, but this would be a period for her to describe those two amendments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank Senator LEVIN and Senator MCCAIN for their leadership, including their leadership on this very issue last year when the Defense Authorization Act was on the floor. Last year we made some improvements.

Here is the issue. According to the Veterans Affairs Administration, a full one in five female veterans at VA facilities across the country says she has had an issue with sexual assault or harassment. In 2010 the Department of Defense cited more than 3,000 reports in the military. We know that the vast majority of our soldiers are law-abiding and would not engage in this kind of behavior, but this is clearly an issue, and we have seen an increase.

I would like to again take the time to recognize Senator LEVIN and Senator MCCAIN, who last year supported the inclusion of the amendment that I introduced to preserve records of military sexual assault in the 2012 National Defense Authorization Act. Until that time, it was really a patchwork of rules for each branch of the military as far as how long those records would be preserved. Thanks to the support of every woman Senator, we were able to get this changed, and so now these records are preserved.

But there are still some additional changes that can be made. Those are the amendments that I submitted. There is a records retention amendment—and I am working with the chairman and ranking member on this issue—that once again tackles this issue. Unfortunately, not all records are being stored for 50 years, as was our agreement last year. Documents filed in a restrictive reporting setting are stored for just 5 years, and this amendment changes that.

Our second amendment, No. 3103, addresses another area of records retention, and its purpose is to target the issue of repeat offenders. As we all know, sex offenders are often repeat offenders, and what this does is target it and makes clear that only substantiated charges of sexual offenses would be preserved in the permanent personnel file of the perpetrator.

The third amendment, No. 3104, involves sexual assault reporting and expands the data the Department of Defense reports on sexual assault incidents in the military.

The fourth amendment, No. 3105, tackles one of the key precursors to sexual assault—sexual harassment.

The fifth and final amendment involves the disposition of sexual assault cases. It makes a statement about what the U.S. policy should be regarding the disposition of sexual assault charges in the military.

All of these requests came from women in the military. My office has been working with these women. They signed up to serve. They performed their service well and honorably. In the course of their service, if they experienced an assault that could have been prevented, an assault that would not have been experienced had they not volunteered for the service, then our country owes them the basic decency of ensuring them a fair trial, fair access to health benefits, and the promise of justice. That is the goal of our amendments.

I appreciate the leadership of Senator LEVIN and Senator MCCAIN in not only working with me last year to dramatically alter this policy so these records are now preserved for 50 years but for working this year on improvements to that policy once again.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. INHOFE. Madam President, I request that the order for the quorum call be rescinded for a point of inquiry.

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

Mr. INHOFE. It is my understanding that the chair has an amendment that is going be considered at the present time, and my question is, Are we ready to go into that? Is the Presiding Officer going to be able to do that from up there?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If the Senator would yield, we thank him for noting that.

Senator HAGAN did have an opportunity last night to go into her amendment, and she was willing to do that at that time. We understood that, of course, the Senator would like an opportunity to speak against the Hagan amendment, which is the opportunity that is being provided now, and then I think it would be appropriate for someone to take Senator HAGAN's place at the Presiding Officer's position so she can speak for a few minutes in support of her amendment after the Senator has completed. If the Senator could give us an idea about how long he expects?

Mr. INHOFE. Not more than 7 or 8 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I was not here when the Presiding Officer spoke last night; however, I am familiar with the amendment that is here.

Let me share with some of the Members here. I hope they don't look at this amendment as just part of the amendment that was defeated yesterday.

We talked about biofuels. There are a lot of people here who are supportive of biofuels. I am supportive of biofuels. In fact, we are very active in Oklahoma right now in developing various biofuels. We are one of the leaders in the Nation, and we actually have a lot of plants located in my State of Oklahoma. This is not that issue. It is not whether you believe biofuels is something we are working toward in the future. We are. We all know that. This is whether we should take our very scarce defense dollars—in this case, the dollars that would otherwise go to the Department of Navy—and put them into subsidizing the private sector in building these plants.

What we are looking at now is to either retrofit or build biofuel refineries. This is interesting because right now I have a list of about 100 different biofuel plants—many of which are in my State of Oklahoma—that are not subsidized by the Federal Government, and there is no reason for these to be subsidized by the Federal Government. This is something that can be done.

If you look at the Navy and the problems they are having right now, I think people realize their operation and maintenance funds are stretched to the maximum. They have readiness problems right now. They have a higher op tempo than they have had in the past. And I think it is important for people to understand that if you keep giving away $170 million here and more there, that is coming out of O&M. It is coming out of our readiness. Right now, if you talk to any of the higher levels in the Navy, they will say they have never been in this situation before. They have already had readiness problems over the past few years, with more than one-fifth of the ships falling short of combat readiness and fewer than half of their deployed combat aircraft being mission-ready at any given time.

I urge us to reconsider whether we should be in the business of building these plants or retrofitting them because this is something we haven't done before.

Now, Energy and Agriculture are doing it currently. Yesterday I stood on the floor and talked about how we are taking over the responsibility of the Department of Energy. We are trying to make the decisions as to how we are going to do this. Should we be developing the progress of the biofuels—which we are doing in the State of Oklahoma without any Federal Government assistance—or should we be defending America with these dollars? Now, Energy, yes, they are going to spend money on this, and the Department of Agriculture is certainly currently spending money on it, but we have not been doing it.

I understand that the Presiding Officer, who is the author of this amendment and who is from North Carolina—and I am reading now from one of the Web sites, from a newspaper there saying that a private company backed by the U.S. Department of Agriculture will build a $130 million biofuel refinery in Sampson County, with an estimated 300 jobs there. They talk about what they may be doing through the Department of Defense. ChemTex was awarded a $3.9 million grant in June to convert more than 4,000 acres across 11 counties to begin producing miscanthus and switchgrass and biofuel conversions. The USDA, which is supposed to be doing this, estimates that farmers will see a net revenue increase of $4.5 million in growing and selling grass.

I come to two conclusions on this. One is, as I just read, they are already doing it now in the State of North Carolina. They are already paying, subsidizing these plants. That is their job, to evaluate and decide whether to subsidize these biotech plants or whether that should be a function of the Department of Energy.

When we look at these—I asked my staff before this—we didn't have notice, to my knowledge—I asked my staff on the floor to tell me whether there are any of these plants currently being subsidized in any way by the Department of Defense. His answer was no, after a very cursory look.

We do have the DOE and DOA, Department of Agriculture and Energy, doing that. I hope everyone here will look at this. I will actually join the author of this amendment in encouraging the Department of Agriculture and Department of Energy to look carefully at this, as well as some of our plants in my State of Oklahoma. On this list I am going to submit as part of the RECORD, there are about 100 plants scattered throughout the country, including my State of Oklahoma. We need to look at those and evaluate those and make the determination is this a function government should perform? If so, wouldn't it be more logical to do it as we are doing it today, through the Department of Agriculture and the Department of Energy and not use our scarce readiness—in this case Navy—dollars that are desperately needed to subsidize this?

I retain the remainder of my time. I know the Senator who is offering the amendment may want to make some comments. Maybe not. But I urge my colleagues to stop and realize this is something brandnew, having the Department of Defense do a function that has heretofore been done by the Department of Agriculture and Department of Energy, and keep it that way.

When the appropriate time comes, I will ask for the yeas and nays on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that the next

amendment in order to be called up is the Cornyn amendment, No. 3158; that after the Cornyn amendment is reported it be in order for Senator HAGAN or designee to call up her amendment, No. 3095; that there be up to 10 minutes of debate equally divided between the chairman and ranking member or their designees prior to votes in relation to the amendments in the order offered; finally, there be no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. That means we would be voting on the amendment of Senator CORNYN first, the amendment of Senator HAGAN second.

I yield the floor.

Mr. MCCAIN. That will take approximately 30 minutes? Before the vote?

Mr. LEVIN. I think Senator CORNYN only needs about 5 minutes. We have cleared that amendment. There is support for it.

Senator HAGAN only needs, I believe, 5 minutes. That means that in about 10 minutes——

Mr. MCCAIN. Ten minutes we will be ready to vote.

Mr. LEVIN. Unless there are others who wish to speak. A couple of votes.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3158

Mr. CORNYN. Madam President, I thank the distinguished chair of the Armed Services Committee and ranking member for their work with us on this important amendment.

The Veterans' Administration defines a backlogged claim as one that has been pending for more than 125 days. Scandalously, there are 600,000-plus backlogged claims in the Veterans' Administration system and about two-thirds of all pending claims are backlogged.

There has been a lot of attention, particularly in my State and across the country, by veterans to this unacceptable situation. In my State we have currently at the Veterans' regional office in Texas a State agency called the Texas Veterans Commission that is working with both the Waco office and other field offices in Houston and elsewhere to clear these backlogs. The Texas Veterans Commission is doing outstanding work, working on a voluntary basis to help make sure veterans file fully developed claims which shortens the processing time dramatically. The goal of the Texas Veterans Commission is to reduce the backlog of VA claims in Texas by 17,000 in 1 year.

You can see from the size of the problem this is an important first step but it is only that, a first step. The purpose of my amendment is to provide this useful model across the country, to require a plan from the Veterans' Administration to deal with this backlog. I am confident that Members will have no trouble voting for this amendment because I am sure they have heard what I have heard from my constituents about how outraged and upset they are at the current backlog of claims.

In order to capitalize on the successful model we have implemented, this amendment would require the Veterans' Administration to report to Congress with a plan to address the claims backlog through partnerships between the Veterans' Administration and other entities including State veterans affairs offices and county veterans service offices, similar to the Texas Veterans Commission operation in my State. The purpose, of course, is to eliminate the current backlog of claims and ensure that new claims are fully developed when they are submitted, all with the purpose of making sure that we keep our commitments to veterans who have made great sacrifices serving our country, that we will keep our commitments to them, that we will keep our promises once they return home having suffered the wounds of war, both seen and unseen.

I ask the support of my colleagues on this important amendment.

I ask unanimous consent to set aside all pending amendments and call up Cornyn amendment No. 3158.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3158.

Mr. CORNYN. 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 require the Secretary of Veterans Affairs to submit to Congress a plan to reduce the current backlog of veterans claims)

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.

Mr. CORNYN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CORNYN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3095

Mrs. HAGAN. I call up amendment No. 3095.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. HAGAN], for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado proposes an amendment numbered 3095.

The amendment is as follows:

(Purpose: To strike the prohibition on biofuel refinery construction)

Strike section 2823.

Mrs. HAGAN. Mr. President, I ask unanimous consent to add Senators Shaheen, Collins, Schumer, Stabenow, Whitehouse, Coons, Udall of New Mexico, and Tester as cosponsors.

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

Mrs. HAGAN. Mr. President, I spoke about this bill last night at length. I want to give a brief summary today of this amendment.

This bipartisan amendment would remove provisions from the underlying bill that prohibit the Department of Defense from participating in a program with the Department of Agriculture and the Department of Energy and private industry to develop advanced biofuels refineries. It is a 1-to-1 match. As the largest single consumer of fuel in the world, the DOD uses approximately 120 million barrels of oil each year, spending over $17 billion in fiscal year 2011. This dependency on a single source of energy leaves our military readiness at risk. When the price of oil goes up $1, it costs the Navy an additional $30 million. We are looking at an investment here of $170 million by the Department of the Navy. Last year alone, this additional fuel cost forced the Navy to pay an additional $500 million more because the price of fuel was $1 higher.

Our senior military leaders recognize the importance of diversifying the fuel supply with advanced biofuels. The Navy Secretary Mabus, Chief of Naval Operations ADM Johnathon Greenert, and Marine Corps Commandant GEN James Amos wrote to the Armed Services Committee about this.

I ask unanimous consent to have their letter printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. HAGAN. They write that:

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 sea, understand this critical vulnerability and seek to exploit it. The Navy and Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to our expeditionary forces.

If you look back in history, the Navy's leadership on energy innovation is nothing new. It was the Navy that shifted from sailing ships to steam-powered ships in the middle of the 19th century, steam to oil in the 20th, and pioneered nuclear power in the middle of the 20th century.

In the 1950s, the Defense Production Act, which is the same entity the Department of the Navy, Department of Energy, and Department of Agriculture are working under, played a critical role in the development of nuclear-powered submarines and the commercial nuclear power industry.

Yesterday the Senate approved Senator UDALL's amendment having to do with the cost of fuel and being able to invest in biofuels. With strong bipartisan support this amendment passed. However, our work is not done in this area. It is critically important that we approve this amendment so the Navy can continue working with the Department of Agriculture and the Department of Energy to spur the development of advanced biofuels refineries capable of producing cost-competitive drop-in biofuels for our military.

I urge my colleagues to support this amendment and I yield the floor.

EXHIBIT 1

DEPARTMENT OF THE NAVY,
Washington, DC, July 9, 2012.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are concerned that certain legislative provisions adopted by the Senate Armed Services Committee may restrict the Department of the Navy's ability to improve its exposure to the price volatility of petroleum-based fuels.

The ability to use fuels other than petroleum will increase our flexibility and reduce the services' vulnerability to rapid and unforeseen price changes, which can negatively impact readiness. A $1 change in the price of a barrel of oil, for example. results in an approximately $30 million change in the Navy budget. In addition to alternative fuels, operational and tactical energy efficiencies improve the endurance of our forces, reduce dependence on a vulnerable logistics tail, and in the end, lower total ownership costs. Shore energy efficiency improves the resilience of our facilities and conserves resources that can be reapplied to enhance readiness.

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 Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to expeditionary forces by reducing their dependence on external fuel supplies, as is the case at many Combat Outposts in Helmand Province today. We are quickly incorporating these promising technologies into regular procurement.

Our military knows how to innovate in areas crucial to our national defense. GPS, the internet. and much of modern medical and surgical procedures owe their existence to military innovation. The Navy has been a leader in energy innovation, moving from wind to coal, coal to oil, and then nuclear power. Our modest investment to qualify and partner in developing alternative sources of energy such as wind, solar, and advanced biofuel, is a continuation of our long tradition of American ingenuity to provide greater energy security.

In accordance with Department of Defense Policy. the Department of the Navy is pursuing assured access to enemy with a balanced approach that includes the flexibility to use alternate sources of energy. History highlights that over-reliance on a single critical resource jeopardizes operational success and thereby degrades energy security.

We request your support in enabling the Department to pursue a judicious, balanced and diversified energy portfolio. This course of action will enhance combat capability, reduce costs and improve the security of energy supplies for our forces.

Sincerely,

JONATHAN W. GREENERT,
Chief of Naval Operations.

JAMES F. AMOS,
Commandant of the Marine Corps,

RAY MABUS,
Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. With reference to the Udall amendment yesterday, I want to make sure our colleagues note this is not the Udall amendment. This is something different. This would mean for the first time we would be spending our DOD dollars, very scarce dollars—in this case the Department of the Navy—to build refineries or retrofit refineries. That has not been done before. As I said to the Senator from North Carolina when she was presiding: This is a function that has always been performed by the Department of Energy and the Department of Agriculture. In my State of Oklahoma we have several of these refineries and potential refineries and retrofits that are needed. However, we went through the proper channels, the Department of Agriculture and the Department of Energy. So if we vote for this amendment, it will be the first time we are using our readiness dollars to do something the DOA and the DOE are supposed to be doing. That is what distinguishes the difference between the two.

Mr. JOHNSON of South Dakota. Mr. President, I come to the floor today in

strong support of amendment No. 3095 offered by Senator HAGAN to strike section 2823 from the National Defense Authorization Act.

Section 2823 would severely limit the Department of Defense's ability to use alternative fuels to enhance our Nation's national security. This section would needlessly prohibit the Department of Defense from entering into a contract to plan, design, refurbish, or construct a biofuels refinery or any other facility or infrastructure used to refine biofuels unless such planning, design, refurbishment, or construction is specifically authorized by law.

Under the authorities of the Defense Production Act, DPA, the Department of Defense has created the Advanced Drop-In Biofuels Production Project. This initiative is focused on creating a public-private partnership that will provide incentives for private sector investment in cost-competitive, advanced biofuels production capability. This initiative requires at least a one-to-one cost share with private stakeholders.

In furtherance of this initiative, in August 2011, the Department of Navy, the Department of Agriculture and the Department of Energy signed a memorandum of understanding to invest $510 million, equally shared among them, for investments in the joint construction or retrofitting of plants and refineries to produce advanced biofuels. Now is not the time to prevent this important program from continuing. Before this project can be finalized, the President has to determine that this is essential to the national defense. Only then will it go forward. I am confident that this requirement in the DPA will ensure that only the most important projects for our national security will go forward.

As chairman of the Banking Committee, which has jurisdiction over the DPA, I believe it is misguided to limit the authority of the Defense Department to continue with this project. As the largest single customer of oil in the world, the Department of Defense spent $17 billion in fiscal year 2011 on fuel. This dependency on a single source of energy forces the Department of Defense to reallocate funding from other critical needs when oil prices spike. An increase of $1.00 in the price of oil costs the Department of Defense over $100 million. Last year alone, spikes in oil prices required the Navy to pay an additional $500 million on higher fuel costs.

The renewable fuels industry has played an important role in addressing our energy needs. Unfortunately, section 2823 would hinder our Nation's ability to promote renewable energy sources within our country. By striking this provision, we will allow the Defense Department to retain its authority to take essential steps to diversify the energy sources available to our military. I believe that energy security is an essential part of national security.

I thank Senator HAGAN for offering this amendment. I urge all my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 3158

Under the previous order, the question is on agreeing to amendment No. 3158 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Michigan.

Mr. LEVIN. Between the first and second votes we are having now, we will have an announcement as to the next part of this roadmap. I hope all Senators who wish amendments to be considered will come between and during these votes to Senator MCCAIN and myself and our staffs to discuss other amendments which are out there and which there is interest in pursuing.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—95

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

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3158) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, members of the Armed Services Committee, immediately after you vote on this second vote, please, we are trying to clear nominations in the hallway, so stay around for a couple minutes, members of the Armed Services Committee.

Secondly, I know the leader was going to make this statement, but he had to leave for a minute, so I will make it for him. We are planning on staying late tonight, and everyone can expect to be here tomorrow. We are going to have votes tomorrow unless we somehow or other finish this bill tonight. The leader would have said that if he were here, so I am saying it for him.

Next, after this vote, I ask unanimous consent that Senator BAUCUS be recognized for 10 minutes to speak on amendments we have either adopted or are going to adopt.

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

Mr. LEVIN. Then we will line up some additional amendments. There are two we can line up now. I thought it was going to be four, but it can only be two at the moment that we would take up immediately after Senator BAUCUS speaks.

I ask unanimous consent, Mr. President, that following Senator BAUCUS's remarks we then turn to Senator MERKLEY, who will call up amendment No. 3096 on Afghanistan, and following him Senator PORTMAN, who will call up amendment No. 2995, and I do not have the subject of that amendment. I ask unanimous consent that be the order.

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

Mr. LEVIN. Mr. President, we will try to get time agreements on those two amendments. In the meantime we are continuing to work through amendments. We are going to have more cleared amendments. We are going to get to the detention issue today. We are going to try to get to all of the issues people want to raise today so we can finish by the end of the day tomorrow. We have assured everyone who is interested in the detention issue that we will be getting to that later this afternoon.

VOTE ON AMENDMENT NO. 3095

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3095 offered by the Senator from North Carolina.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. WYDEN) and are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER), and the Senator from South Carolina (Mr. DEMINT).

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—54

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

NAYS—41

Alexander	Enzi	Paul
Ayotte	Graham	Portman
Barrasso	Hatch	Risch
Blunt	Hoeven	Roberts
Boozman	Hutchison	Rubio
Brown (MA)	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johnson (WI)	Snowe
Coats	Kyl	Thune
Coburn	Lee	Toomey
Cochran	McCain	Vitter
Corker	McConnell	Webb
Cornyn	Moran	Wicker
Crapo	Murkowski	

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3095) 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 PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to modify the consent agreement that the Senators from New Hampshire, Ms. AYOTTE and Mrs. SHAHEEN, have 15 minutes equally divided following the remarks of Senator BAUCUS.

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

The Senator from Montana.

Mr. BAUCUS. I wish to take a moment to shine the light on a dark topic in my home State of Montana.

On Sunday I read something that hit me in the gut. The Billings Gazette reported that during 2010 at least 210 Montanans committed suicide. That is according to the Montana Department of Health and Human Services. That was 2010. In 2011 that number was 225. Another 5,600 Montanans attempted to kill themselves last year. That is a startling average of about 15 per day. In a State with roughly 1 million residents, that is nearly twice the national average.

We in Montana have a saying that I think is quite accurate. Montana is really one big small town. We know each other, only about 1 or 2 degrees of separation. You know what. If you ask if we know Uncle Joe, we all know each other. We know somebody who knows someone very close to us. We know each other's families.

These numbers are devastating. Among the victims of suicide in Montana are children, parents, neighbors, friends, and sadly many are also our military veterans who return home only to be held behind an invisible enemy line known as PTSD.

In Montana, we are a proud home to more veterans than nearly any other State per capita. We also had more Montanans volunteer for service after 9/11 than anywhere else in the country per capita. There are nearly 300 Montanans serving in Afghanistan today. We are proud of these men and women, and we are grateful. We take our responsibility to honor them very seriously. So the statistics are all the more alarming. They are very important.

In 2011 a report from the Center for a New American Security found that from 2005 to 2010, all across the country a servicemember took his or her life almost every 36 hours.

Matt Kuntz, the executive director of the Montana chapter of the National Alliance of Mental Illness, has described Montana's suicide epidemic as a public health crisis. Matt knows all too well that behind each and every one of those numbers is a family and community devastated by the loss. Matt is a veteran himself. In 2007 he lost his stepbrother, an Iraq war veteran. I know Matt, and I knew his stepbrother. He lost his stepbrother to suicide. His stepbrother was so scared, so frightened to go back to Iraq after serving three or four tours of duty. He knew—he said to Matt: If I go back, I know I am going to die. So many of my friends and buddies have died. I know if I go back, I am going to die too.

That caused him to be very depressed, and it caused his suicide. So my friend Matt took action. He dedicated himself to raising awareness. Largely because of Matt's dedication, the Montana National Guard led the way with a successful pilot program to increase screening of veterans both before and after deployment. That is natural in Montana because, as I said earlier, we are really one big small town. We know each other, we want to take action, and we want to get results.

I was proud to champion particularly the 2010 Defense authorization bill that took the Montana National Guard model, which we developed in Montana. With the DOD Defense bill, it is now implemented nationwide. Now every branch of the military has implemented screenings. We started screening before kids go over, as soon as they come back, 6 weeks later after they are back, another 6 months later after they are back, just continually screening, personal screenings. Thousands of health care providers have been trained under this legislation and, most importantly, thousands of servicemembers are now getting personal and private one-on-one attention from a trained health care provider.

There is still a lot more to be done, and I am proud we took steps to advance the ball yesterday by passing the Mental Health ACCESS Act as an amendment to the current bill. I applaud Senator MURRAY for her work on the measure, and I am proud to be a cosponsor. This provision creates comprehensive standardized suicide prevention within the DOD. It expands eligibility for VA mental health services to family members of veterans. It creates more peer-to-peer counseling opportunities, and it requires the VA to establish accurate, reliable measures for mental health services.

When duty calls, we in Montana answer proudly. This is about taking care of these men and women just as they have taken care of us. These people put their lives on the line in the name of our State, our country, and our freedom. We have a responsibility to try to do all we can to help them return to their families and live a reasonable, healthful life back at home. Too many Montanans are suffering in silence, as in other parts of the country.

Thank you for the opportunity to bring a voice to this important cause. Thank you, Matt, and thank you all for taking action in the Senate to further our efforts to give servicemembers and veterans the care and support they deserve.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

REMEMBERING WARREN B. RUDMAN

Mrs. SHAHEEN. Mr. President, I am pleased to come to the floor today, along with my colleague from New Hampshire, Senator AYOTTE, to honor the life and service of a distinguished former Member of this Senate and a proud son of New Hampshire, Warren B. Rudman.

Senator Rudman was widely and deservedly hailed in both life and now in his death as a public servant who reached across party lines to get the job done for his country and his State. Warren Rudman didn't do this out of weakness, he acted so because of the strength and courage that marked his entire life. An Army combat veteran of the Korean conflict, Warren Rudman earned a Bronze Star Medal. He was an amateur boxer. As the attorney general for the State of New Hampshire, he was

a ferocious prosecutor. His memoir was aptly entitled ''Combat.''

As a Senator, Warren Rudman relished taking on big battles. In the 1980s, he joined with Senators Fritz Hollings and Phil Gramm to tackle deficits. If the Gramm-Rudman-Hollings Act had been followed by subsequent Congresses, we would not be struggling today to reduce massive deficits.

He didn't shrink from holding a President of his own party accountable either, when he served on the congressional panel investigating the Iran Contra affair. Nor was he reluctant to hold his fellow Senators accountable when he chaired the Senate Ethics Committee.

Warren Rudman's public service did not end after he left the Senate. Most notably, he cochaired with another former Senator, Gary Hart, a national security commission that correctly predicted a terrorist attack within America's borders.

Warren Rudman was always blunt and outspoken. During the Iran Contra hearings he said to Oliver North:

> The American people have the constitutional right to be wrong. And what Ronald Reagan thinks or Oliver North thinks or what I think or what anybody else thinks matters not a whit.

He said he left the Senate because Congress was ''stuck in the mud of strident partisanship, excessive ideology, never-ending campaigns.'' That was how he saw Congress 20 years ago. Obviously, he was very aware of what was happening in this body.

But it was his more quiet work that Warren Rudman was most proud of. His greatest achievement, he said, was his behind-the-scenes efforts to get David Souter, another son of New Hampshire, nominated to serve on the Supreme Court.

Sometimes forgotten is Senator Rudman's authorship and successful push to enact the Small Business Innovation Research Program, which to this day still enables small businesses to compete for Federal research and development awards.

Warren B. Rudman lived a long and full life. His service graced the Senate, and to the end he had New Hampshire granite in his veins.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I join my colleague from New Hampshire, Senator SHAHEEN, in paying tribute to and honoring the life and legacy of Warren Rudman. Warren Rudman was a Senator from New Hampshire whose intellect, courage, and conviction brought great honor to this institution.

Warren Rudman embodied the very best of New Hampshire: frugal, fiercely independent, and totally committed to the common good. He didn't aspire to be a politician, but when he saw his country was headed in the wrong direction, he stepped up to serve, and his focus was always doing the right thing for our country and the people of New Hampshire.

It wasn't the first time Warren Rudman had been called to duty. He had already distinguished himself in the U.S. Army, serving as a combat platoon leader and company commander during the Korean War. It was there that he saw the horrors of war and became convinced of the need for American military supremacy and strength. For his brave service he was presented the Bronze Star.

Following his return home, Warren Rudman settled in Nashua, his hometown—also my hometown—where he raised his family. After completing law school, Warren entered private practice, where he remained until he was called to serve once again—only this time he was recruited to bring his energy and ideas to New Hampshire State government. Warren quickly proved himself as Governor Peterson's chief of staff. Then, at age 39, he was appointed to serve as New Hampshire's attorney general.

I am very proud to have also served as New Hampshire's attorney general. In my view, Warren Rudman is probably the greatest attorney general to serve in New Hampshire's history. He modernized the office of the attorney general to meet the needs of a changing State. He was a tough-on-crime attorney general who personally tried criminal cases.

Warren Rudman earned a reputation for standing firm on principle even when it wasn't popular. It was perfect practice for the battles he would later fight in Washington on behalf of the people of this country.

Warren ran for the Senate in 1980 because the issues he cared about were being neglected. He believed in a strong national defense and he saw the Nation's fiscal situation careening dangerously off course. He was worried about the threat that presented to our country's future.

As a first-term Senator, Warren Rudman truly made his mark, and that is certainly not easy to do. But it showed his character, his leadership, and his persistence because Warren Rudman's name will forever be linked with his landmark effort to rein in Federal spending. The Gramm-Rudman legislation was born of the bold idea the Federal Government shouldn't spend beyond its means. When it was signed into law, annual deficits were $200 billion. Imagine how much better off we would be if we had heeded Warren Rudman's warnings and truly followed through on the work he did in this body.

Warren's zeal for responsible government went beyond reducing spending. As a former prosecutor, he was seen by his colleagues as someone who was committed to fairness, truth, and independence. When the Iran Contra scandal erupted in 1986, the Senate moved to investigate and Warren Rudman was selected to serve as the committee's top Republican. At the outset, he made one thing clear, and that always guided Warren Rudman in everything he did. This is what he said:

> ''I consider myself an American first and a Republican second.''

That was a commitment he kept, helping to lead a nonpartisan inquiry that pursued the facts. He saw himself as asking tough questions on behalf of the American people and he expected answers. With the Nation in turmoil, Warren Rudman stood firm for the rule of law. His rigorous commitment to uncovering the truth brought credit to this body and great pride to the people of New Hampshire.

Of course, representing their interests was always Warren Rudman's true passion. Warren Rudman had New Hampshire in his blood and he brought New Hampshire common sense to Capitol Hill. While Warren was at the center of some of the most consequential debates in Washington, he always put his constituents first. In fact, legislation he authored to help small businesses continues to benefit entrepreneurs to this day in the Granite State.

Shortly after arriving in the Senate, the first bill he introduced on behalf of the State of New Hampshire and our country was a bill called the Small Business Innovation Research Act, which was aimed at bolstering small high-tech companies in New Hampshire and across the Nation. To this day, the SBIR Program continues to help small defense and technology companies through competitive grants, and it has been a very important program. That was the idea of Warren Rudman the day he came to the Senate, which is so impressive, and Senator SHAHEEN and I have proudly worked together across party lines to make sure this important program continues to be effective.

Warren Rudman will be remembered as a statesman, someone who loved his country and wanted to make it better. In bidding farewell to the Senate in 1992, he expressed gratitude for the opportunity to serve with such talented colleagues in this esteemed body. He also expressed his hopes for the future of this body, and this is what he said: ''It is a very special place, with very special people, and I hope in the coming years the institution can coalesce to bring those talents together in a bipartisan way to do what is good for America.''

As our country continues to face great challenges, may all of us remain mindful of Warren Rudman's wise words and the powerful example he set for this body. Granite Staters throughout all New Hampshire mourn his loss, but we will never forget his legacy as an esteemed representative of the people of New Hampshire and someone who always put America first.

Mr. LEAHY. It was a pleasure and an honor for this Senator to serve side by side with the late Senator from New Hampshire, Warren Rudman.

As we in New England knew and, of course, as the people of New Hampshire, and we neighbors in Vermont, especially knew—he was a skilled and accomplished legislator. He was a credit to this body. He was a catalyst for reform. He always kept his word. What was most important to me personally is that he was a good and close friend. We traveled together, we worked together, and we never let our different political parties get in the way of doing things that helped our part of the country or our country at large.

I think he was shaped by his experience as well as by his Yankee origins. An Army combat infantry commander, he saw much action during the Korean conflict before coming to the Senate. He had been a widely respected attorney general from New Hampshire.

Senator Rudman embodied the characteristics that many of us call the old school of Senate values. We served together on the Appropriations Committee. We often worked together on national issues, as well as on behalf of our two adjoining States. As I said earlier, I quickly learned that when Warren Rudman gave his word, you could count on it.

He served during a time when Senators would readily put aside party affiliations to work together. When progress required compromise, as it usually does, he was able to help chart the way forward to accommodate different viewpoints and interests. Regrettably, that kind of bipartisanship at this point in the Senate's history is too rare, and I think we have to work to recapture it.

In the can-do Yankee spirit, he took on difficult challenges and stuck with them. From national security and foreign affairs to budget policy, he dug into pressing and often prickly issues, and he made a difference.

Well after his retirement from this body—a voluntary retirement—he continued to serve the country he loved so deeply. Well before the attacks on our Nation of September 11, 2001, he and former Senator Gary Hart headed a national advisory panel investigating the threat of international terrorism. The sobering conclusions they reached about our susceptibility to terrorist attacks were prescient, but largely forgotten, until 9/11.

When I was asked to serve on the advisory board of the Warren B. Rudman Center for Justice, Leadership and Public Policy at the University of New Hampshire, of course I was pleased to accept. His legacy will be reflected well at the Rudman Center, just as his legacy of service and accomplishment will continue to be reflected and appreciated in this body.

Madam President, as I say this, it seems perfectly fitting that the distinguished senior Senator from New Hampshire is presiding: The Senate, and the Nation, are better for Warren Rudman's service.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

AMENDMENT NO. 3096, AS MODIFIED

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to call up Merkley amendment No. 3096, as modified.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mr. PAUL, and Mr. MANCHIN, proposes an amendment numbered 3096, as modified.

Mr. MERKLEY. I ask unanimous consent that further reading of the amendment be waived.

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

The amendment (No. 3096), as modified, is 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 should, 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 a level sufficient 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 recommend or support any limitation or prohibition on 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.

Mr. MERKLEY. Mr. President, I am pleased to be able to present this amendment in this Chamber. I appreciate that my lead cosponsor RAND PAUL and nine other Senators have signed on to sponsor this amendment.

This amendment is designed to help draw down the war in Afghanistan in a timely and responsible manner. It is time to bring home our sons and daughters, our brothers and sisters, our husbands and our wives as quickly and as safely as possible and put an end to America's longest war.

We went to Afghanistan with two objectives: destroy al-Qaida training camps and hunt down those responsible for 9/11. Our capable American troops and NATO partners have accomplished those goals. Afghanistan is no longer, and has not been for years, an important hub for al-Qaida activity. Al-Qaida has robust operations in a number of nations around the world, including Yemen and Somalia, but not in Afghanistan.

American forces have also accomplished the second objective: capturing or killing those who attacked America on 9/11. So it is time to put an end to this war.

Simply put, we are currently in the midst of a nation-building strategy that is not working. It simply makes no sense to have nearly 70,000 troops on the ground in Afghanistan when the biggest terrorist threats are elsewhere.

Our President recognizes this fact and has committed to a steady course of drawing down troop levels and handing over security responsibilities to the Government of Afghanistan. In contrast, the House-passed version of this bill calls for keeping at least 68,000 troops in Afghanistan through the end of 2014.

Let me give some details about what this short amendment does. It is a sense of Congress resolution that the President should undertake all appropriate activities to accomplish his stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by midsummer 2013.

This is the President's goal, and our team has been working to make this happen; second, as a part of accomplishing this transition of lead responsibility for security to the Government of Afghanistan, drive down United States troops to a level sufficient to meet this goal.

Third, as previously announced by the President, continue to draw down U.S. troop levels at a steady pace through the end of 2014; and, very importantly, end all regular combat operations by the U.S. troops by not later than December 31, 2014, and take all possible steps to end such operations earlier if it can be done in a manner consistent with a safe and orderly drawdown of U.S. troops.

This amendment very clearly sets out that it is not to be construed that we are recommending or supporting any limitation or prohibition on any authority of the President to modify the military strategy, tactics, and operations of the U.S. Armed Forces as such Armed Forces redeploy from Afghanistan. It also clearly notes that we are not interfering in any way with the

ability of the United States to authorize forces in Afghanistan to defend themselves whenever they may be threatened or to attack al-Qaida forces wherever such forces are located. Moreover, we are not limiting in any way the provision of financial support and equipment to the Government of Afghanistan for the training and supply of Afghan military and security forces, nor are we interfering with the gathering of intelligence.

Essentially, the amendment boils down to this: Mr. President, you have laid out a course to end this war, and we support you in this effort and encourage you to continue this effort and, if conditions allow, to accelerate the pace.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have looked at the amendment by the Senator from Oregon. He has made some modifications that I think are appropriate, and this side has no objection. I understand, however, that he will insist on a recorded vote, which is his right. But I see at this time no objection to the amendment as he describes it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the partnership of my colleague from Arizona.

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. PORTMAN. 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. 2995

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending measure be set aside, and I call up amendment No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes an amendment numbered 2995.

Mr. PORTMAN. Mr. President, I ask 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 enhance authorities relating to the admission of defense industry civilians to certain Department of Defense educational institutions and programs)

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

SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting ''or professional continuing education certificate'' after ''master's degree'';

(2) in the third sentence, by striking ''125 such defense industry employees'' and inserting ''250 such defense industry employees''; and

(3) in the last sentence, by inserting before the period at the end the following: ''or an appropriate professional continuing education certificate, as applicable''.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting ''or professional continuing education certificate'' after ''graduate degree'';

(2) in paragraph (2), by striking ''125 defense industry employees'' and inserting ''250 defense industry employees''; and

(3) in paragraph (3), by inserting before the period at the end the following: ''or an appropriate professional continuing education certificate, as applicable''.

Mr. PORTMAN. Mr. President, this amendment is intended to expand the opportunities for defense industry employees to attend or participate in Department of Defense educational institutions and programs.

Specifically, the amendment will broaden the existing statute that authorizes defense industry employees to obtain a master's degree at Defense Department schools, such as the Naval Postgraduate School, by also allowing them to obtain professional continuing educational certification.

Having key members of the defense industry exposed to the unique courses offered at these institutions is a win-win for the Federal Government. The industry pays the tuition and covers all costs associated with their attendance, and in the process our defense industry partners gain greater expertise in the military application of engineering and science, as well as acquisition and program management expertise.

Again, I believe this is a win-win for the government, and I ask for a voice vote of the pending amendment.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from Michigan.

Mr. LEVIN. 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. 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 don't know of any further debate on this side on the Portman amendment. We support it, and we have no objection to it going to a voice vote at this time.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2995) 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, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. 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. AYOTTE. Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2948, 2962, 2971, 2986, 2989, 3085, 3110, 3166, 2981 EN BLOC

Mr. LEVIN. Mr. President, I wish now to call up a list of nine amendments, which have been cleared by myself and the ranking member, by Senator McCAIN: Webb amendment No. 2948, Sessions amendment No. 2962, Inhofe amendment No. 2971, Casey amendment No. 2986, Murray amendment No. 2989, Vitter amendment No. 3085, Coburn amendment 3110, Manchin amendment No. 3166, and Boxer amendment No. 2981. I believe they have been cleared on the Republican side.

Mr. McCAIN. I have no objection.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2948

(Purpose: To extend the authority to provide a temporary increase in rates of basic allowance for housing under certain circumstances)

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

SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

AMENDMENT NO. 2962

(Purpose: To express the sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy of the Secretary of Defense)

At the end of C subtitle of title II, add the following:

SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public

Law 112–81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that ''I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats'', and that ''[a]gainst current threats from the Middle East, I am confident we are well postured''.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does ''not know if Iran will eventually decide to build nuclear weapons'', it judges ''that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon''. He also testified that ''Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload''.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, ''Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads'', and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that ''Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies'', and that ''[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015''.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

AMENDMENT NO. 2971

(Purpose: To express the sense of the Senate on the protection of Department of Defense airfields, training airspace, and air training routes)

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

SEC. 1084. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

AMENDMENT NO. 2986

(Purpose: To require contractors to notify small business concerns that they have included in offers relating to contracts let by Federal agencies)

At the end of subtitle E of title VIII, add the following:

SEC. _____. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

AMENDMENT NO. 2989

(Purpose: To extend the authority of the Secretary of Veterans Affairs and the Secretary of Labor to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions)

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

SEC. 1084. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

AMENDMENT NO. 3085

(Purpose: To require additional elements in the plan on the rationalization of cyber networks and cyber personnel of the Department of Defense)

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).

AMENDMENT NO. 3110

(Purpose: To require a report on the balances carried forward by the Department of Defense at the end of fiscal year 2012)

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.

AMENDMENT NO. 3166

(Purpose: To require a report on the future of family support programs of the Department of Defense)

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.

AMENDMENT NO. 2981

(Purpose: To prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense)

At the end of subtitle C of title V, add the following:

SEC. 526. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.
(2) Sexual abuse.
(3) Sexual assault.
(4) Incest.
(5) Any other sexual offense.

Mr. MCCAIN. Mr. President, I thank my colleague.

By the way, did we move to reconsider?

I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, briefly I was just going over the list of amendments that have been filed. I urge my colleagues who want those amendments considered to come over and state their intention and we will move forward with the amendments. I keep hearing from my staff this Senator is not ready yet, that Senator is not ready yet. I hope they come over, we get these amendments in order and we will dispose of them as soon as possible since we are looking at a rather late evening this evening, and even tomorrow.

We need to move these amendments. I hope my colleagues will cooperate by coming over prepared to offer those amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The Senator from West Virginia wishes now to speak on the Merkley amendment. Then it is our intention to move to a vote on the Merkley amendment.

AMENDMENT NO. 3096

Amendment No. 3096 would express the Sense of Congress in support of the President's stated goals for transitioning the security lead to the Afghanistan and end the U.S. combat mission in Afghanistan by no later than December 31, 2014. The Sense of Congress supports the goals of: Accomplishing the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-2013; as part of that transition, drawing down U.S. troops to the minimum level required to meet that goal; continuing the drawdown of U.S. troop levels at a steady pace through the end of 2014; and ending ''all regular combat operations'' by U.S. troops by not later than the end of 2014, and earlier to the extent consistent with a safe and orderly drawdown of U.S. troops in Afghanistan.

The Merkley amendment is consistent with President's plans for drawing down U.S. troops in Afghanistan, and it is consistent with our best chances for success in securing Afghanistan.

It expresses this body's support for the President's transition goals which include the handover to Afghan security forces of primary responsibility for security throughout Afghanistan by mid-2013 and the completion of the security transition process by the end of 2014.

Transitioning to Afghan forces in the lead is the roadmap to security in Afghanistan. It challenges the Taliban narrative that commanders need to defend Afghanistan from foreign troops seeking to occupy their country. As Afghan officials recently told me, when they realize they are fighting their fellow Afghans in the Afghan Army, some mid-level Taliban commanders have decided to put aside their arms and seek to re-integrate into Afghan society.

The Afghan people want to see their own Afghan Army soldiers and Afghan police personnel providing security for their communities. A recent public opinion poll in Afghanistan found that the overwhelming majority of the Afghan people have moderate or high confidence in the Afghan Army—93 percent. The Afghan police are also gaining the confidence of the Afghan people—82 percent confidence.

Afghan security forces have shown they are willing to fight. So far this year, Afghan soldiers and police have suffered more casualties—wounded and killed—than have U.S. and coalition forces.

As Afghan security forces assume more and more responsibility for the security lead between now and the end of 2014, NATO and coalition forces will gradually step back into a supporting role and then an overwatch role.

The Merkley amendment reaffirms the President's plan to end U.S. combat operations in Afghanistan by not later than the end of 2014. This is also what was agreed by coalition partners at the NATO Summit in Chicago in May, when the U.S. and its allies declared, ''By the end of 2014, when the Afghan Authorities will have full security responsibility, the NATO-led combat mission will end.'' They also agreed to begin planning a new post–2014 training mission, which ''will not be a combat mission.''

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise in support of the amendment of my colleague, Senator MERKLEY from Oregon, his amendment on Afghanistan. I know we all have good ideas. We all have input here. We all have our own personal opinions. But it is time to bring our troops home from Afghanistan. They have been there since October 7, 2001. They have defeated al-Qaida, they have killed Osama bin Laden, and it is time to bring them home.

Mr. President, 66,000 American combat troops still remain in Afghanistan. President Obama plans to reduce that number by ''a steady pace'' until they are moved completely out by the end of 2014. I would prefer a faster pace, as many of my colleague would, but as long as it did not jeopardize the safety of troops, because I think that is the most important thing we do. After all, the war has already surpassed the Vietnam war, your area and mine, Mr. President, as the longest in American history. It has already cost us dearly; more than 2,000 American troops have died for the cause and many thousands more have been maimed and more than $500 billion has been spent just in Afghanistan.

Even so, I support the bipartisan amendment sponsored by Senator MERKLEY. It backs the President's current plan to end combat operations in Afghanistan by the end of 2014, but I support it because it also calls for a quicker transition of security operations from U.S. forces to Afghan security forces. Instead of the end of 2014, the amendment urges the transition to take place in the summer of 2013, this coming year. That, hopefully, would bring a quicker end to the U.S. involvement in combat in Afghanistan. This amendment merely expresses the sense of the Senate. It is not binding on President Obama and it will not affect any negotiations between Washington and Kabul on whether a residual force of U.S. military advisers in Afghanistan would be there after 2014.

U.S. forces went to Afghanistan in pursuit of those who planned and ordered the September 11 terrorist attacks on the United States that killed over 3,000 of our citizens. With valor and courage they drove from power the Taliban, which had given bin Laden a base from which he could launch horrific attacks on innocent American civilians. They captured, killed, or brought to justice the leader of al-Qaida and eventually they tracked down bin Laden himself and made sure he would never, ever harm another American.

After more than 10 years, more than 1,900 American lives, and more than $500 billion, it is time to bring our warriors home to a hero's welcome, time to focus our resources on rebuilding America, not on rebuilding Afghanistan. I have said many times on this floor, if you help us build a new road or bridge in West Virginia, help us build a school for our children, we will not blow it up or burn it down.

It is time to help rebuild America for this great country and bring our heroes back to a hero's welcome.

Mr. REID. 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 the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, we are now going to proceed to a vote on the Merkley amendment. As I indicated, the amendment expresses the support of this body for the transition goals of the President, including the handover to Afghan security forces of primary responsibility for security throughout Afghanistan by mid-2013, the completion of the security transition process by the end of 2014—and of course that has to do with the completion and transition. That is not necessarily by any means a withdrawal of all troops but it is the intent that all combat forces be withdrawn by the end of 2014. I emphasize it is a sense-of-the-Senate resolution.

After the disposition of the Merkley amendment, we then intend to move to the Whitehouse amendment. The Whitehouse amendment has been cleared by the chairman and ranking member of the committee of jurisdiction. However, there is a desire to debate and have a rollcall on that amendment. We are asking Senator WHITEHOUSE to be prepared immediately after this vote to call up formally and debate his amendment and any opponent or opponents of the amendment to be prepared to debate it at that time. So it is our intent—and I ask unanimous consent—that immediately following the vote on the pending Merkley amendment, we then move to the Whitehouse amendment, and following the disposition of the Whitehouse amendment we then move to the Coburn amendment No. 3109, which will require debate, and, hopefully, we can work out a time agreement with Senator COBURN during this vote.

Finally, we are urging Senators who have amendments we have not yet addressed that they intend to press, or hope they can press, to meet with us during this vote so we can continue to make progress on this bill. We will be in tomorrow unless by some wonderful events we are able to finish this bill tonight.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I agree with the unanimous consent request——

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I am sorry, I say to my friend from Arizona. We have to withdraw that unanimous consent request on amendment No. 3109 at this time. I want to try to see what the problem is. There is an objection to my request on this side. We are going to try to work out those objections during this rollcall vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I have to object on this side. Senator COBURN wants the same privilege every Senator has; that is, to bring up his amendment. If someone objects to that, I hope that Senator will come down and object in person because this is holding up the progress of the bill. So if there is a Whitehouse amendment that is agreed to, then a Coburn amendment certainly should be allowed as well.

So we have to object to the unanimous consent request. Hopefully, during the vote on the Merkley amendment we can work out some agreement.

Mr. LEVIN. We understand Senator MERKLEY is on his way and wishes to speak for a minute on his own amendment, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. 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. MERKLEY. Mr. President, I rise to speak in favor of my amendment No. 3096 to express the sense of Congress on the accelerated transition of U.S. combat and military security operations for the Government of Afghanistan.

Our President has laid out a course of action that involves putting Afghan troops in charge of the operation in Afghanistan. This amendment fully supports the schedule the President has laid out. Furthermore, it calls upon the President to explore every opportunity to see if that schedule can be accelerated; that we can, with security for our troops and appropriateness for our mission, withdraw at a faster pace.

The two main objectives in Afghanistan were to take out the al-Qaida training camps and to proceed to pursue those responsible for 9/11. We have effectively pursued those missions. Al-Qaida is now much stronger around the rest of the world. A counterterrorism strategy that is appropriate in the rest of the world is appropriate in Afghanistan and it should be pursued. But the newly adopted mission of nation building in Afghanistan has gone terribly off the track and put our troops at great risk. We need to endorse the President's strategy and end this war—the longest war the United States has ever experienced.

I ask for the support of my colleagues.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mrs. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—62

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

NAYS—33

Alexander	Enzi	McConnell
Ayotte	Graham	Murkowski
Barrasso	Hatch	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Cornyn	Lieberman	Vitter
Crapo	McCain	Wicker

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3096) was agreed to.

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

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

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, what we wish to do now is move to Senator BLUMENTHAL's amendment which has been cleared and I believe can be voice-voted. I think that is the current situation.

Then as soon as that is done, I hope we will have an announcement as to where we go next. With the cooperation of one Senator, whom I do not see on the floor, we may be able to go to Senator WHITEHOUSE's amendment, but I cannot quite announce that yet because we have to find that Senator and make sure that is not objected to. I would hope the chair would now recognize Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3124, AS MODIFIED

Mr. BLUMENTHAL. Mr. President, I thank my distinguished colleague, the chairman of the Armed Services Committee, as well as the ranking member, Senator MCCAIN, for their leadership on this issue and ask unanimous consent that my amendment 3124 be made

pending, as modified with the changes that are at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL] proposes an amendment numbered 3124, as modified.

The amendment No. 3124, as modified, is 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.

''(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.

Mr. BLUMENTHAL. Very simply, this amendment involves commonsense reforms that will ensure the performance of overseas contracts, paid for by our taxpayers, involving money in this very Defense budget, consistent with the values that we hold dear as Americans.

The Department of Defense has a special responsibility to lead in preventing human trafficking overseas, as this amendment would do. It is not only a matter of humane and moral values, it is a matter of getting value for the dollars we spend in protecting our national security.

The United States has and ought to have a zero-tolerance policy against government employees and contractor personnel engaging in any form of human trafficking. These values are transcendent of party lines, of any other interests. I am very proud to offer this amendment, in fact, with strong support across the aisle, led by my colleague Senator PORTMAN who has joined me in forming a human trafficking caucus to lead the way on these issues. This amendment is the result of efforts we have led and very simply represents the most comprehensive legislative effort ever undertaken in the Congress to stamp out human trafficking in overseas contracting.

I am happy to yield to my colleague from Ohio, Senator PORTMAN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am pleased to join my colleague from Connecticut in offering this amendment, which is modeled on the bipartisan legislation we introduced in March along

with a number of Senators on both sides of the aisle.

We also recently joined to form a Senate caucus to end human trafficking, and I appreciate the chair and ranking member today for allowing this amendment to move forward.

The aim of this amendment is pretty simple. This amendment ensures that our contingency contracting dollars are spent in a manner that is consistent, as Senator BLUMENTHAL said, with our deeply held values as a country. This is particularly important in the context of wartime contracting and reconstruction work.

This amendment comes from the work that both DOD and State Department IGs have done. The inspectors general have told us we lack sufficient monitoring to have the kind of visiblity we need under the labor practices by our contractors and subcontractors who rely on a lot of third-party nationals to do overseas work.

It also comes from the Wartime Contracting Commission, which has reported what is described as evidence of the recurrent problem of trafficking in persons by labor brokers or subcontractors of contingency contractors. The report concluded that existing prohibitions on such trafficking have failed to suppress it.

One of the commission members, a former Reagan and Bush administration defense official, testified before our committee, saying those findings were, in his assessment, just the tip of the iceberg. So I think this legislation is appropriate. It directly affects this issue that has been raised now by the IG and by the Wartime Contracting Commission. This is a commonsense approach to it.

Broadly defined, we believe this will help to deal with the human trafficking issue that has been identified. It deals with recruiting workers to leave their home countries based on fraudulent promises, confiscating passports, limiting the ability of workers to return home, charging workers so-called recruitment fees that consume more than a month's salary, just to name some of the abuses that have been identified.

I think it should be clear that the overwhelming majority of these contractors and subcontractors are law abiding, but we need to be sure these abusive labor practices are dealt with. This legislation will do so. I thank my colleague for raising it today. I am proud to join him in cosponsoring the legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan.

Mr. LEVIN. Madam President, I think we are now willing to proceed to disposition on the Blumenthal amendment. I don't know if anyone wants to speak further on that amendment.

The PRESIDING OFFICER. Is there further debate?

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

The amendment No. 3124, as modified, was agreed to.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to set the pending amendment aside for the consideration of amendment No. 2972.

The PRESIDING OFFICER. Without objection, the Senator——

Mr. LEVIN. Madam President, I wonder if we could ask unanimous consent at this point to take up the Inhofe amendment. We know of no objection to it. Rather than setting any amendment aside, just simply send it to the desk.

Is the amendment at the desk? Just call up the amendment, if the Senator would.

AMENDMENT NO. 2972

Mr. INHOFE. Madam President, I call up amendment No. 2972.

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 Oklahoma (Mr. INHOFE) proposes an amendment No. 2972.

Mr. INHOFE. 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 express the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Military Remembrance)

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

SEC. 1084. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.

It is the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Military Remembrance.

Mr. INHOFE. Madam President, this is something that I know will be accepted by both sides, by every Member in here. It is a request by all the associations, the veterans and all the others. It is something I wasn't familiar with until fairly recently, and that is, in July of 1862, following the Seven Days Battles, Union GEN Daniel Butterfield and bugler Oliver Wilcox Norton created ''Taps'' at Berkeley Plantation in Virginia.

This is something we are all familiar with, those of us who served in the military. We know what ''Taps'' is. It is a big deal to a lot of people, but it has never had an official designation. We have an amendment now that would be a sense-of-the-Senate that would designate the bugle call commonly known as ''Taps'' to be designated as a national military song of military remembrance. The reason I think it is significant to do it is it raises the song known as ''Taps'' to a national level of significance, specifically for the military veterans as a tribute when played during military funerals and ceremonies. This is a request of various veterans organizations, and I would ask that it be adopted.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We know of no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The amendment (No. 2972) was agreed to.

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

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

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I would now ask unanimous consent that Senator UDALL of Colorado be recognized for 5 minutes to speak as though in morning business.

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

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I thank the chairman and ranking member of the Armed Services Committee for the recognition. I am a proud member of that committee, and I am also a member of the Intelligence Committee. From those vantage points, I am well aware of the threats that face our country.

Our military and our intelligence communities have to be prepared to counter threats from a wide range of enemies and bad actors. As we all know, our national security community is decisively engaged against those who would do us harm. When we capture those who are plotting against us, we are swiftly bringing them to justice by trying and convicting those terrorists in civilian courts and, when appropriate, in military commissions.

This is a flexible strategy that has empowered our terrorism community to help keep Americans safe since 9/11, and those brave men and women who spend every waking hour defending this country have been successfully using our laws to pursue terrorists around the globe. But last year Congress changed some of those laws, against the wishes of our military and intelligence communities. Those detainee provisions last year suggest that our military should shift significant resources away from their mission and to instead act as both a domestic law enforcement agency and jailer with respect to terrorist suspects. They also call into question the principles we as Americans hold dear, because they could be interpreted as allowing the military to capture and indefinitely detain American citizens on U.S. soil without trial.

I joined our highest ranking national security officials in warning my colleagues about the dangerous change

that such policies would make and I urge us not to pass them. We have to get our detainee and counterterrorism policies right, but unfortunately I believe the policies that were enacted last year complicate our capacity to prosecute the war on terror and in the process erode our Nation's constitutional principles, both of which concern all of us.

I have been working with the administration to ensure that those detention policies are not harmfully interpreted, but the law itself remains a problem. Several of my colleagues, including the Senator from Kentucky and the chairwoman of the Senate Intelligence Committee, Senator FEINSTEIN, have suggested changes to the law that will help repair the flawed policies enacted last year.

I have also crafted my own legislation working with the ranking member on the House Armed Services Committee, Congressman ADAM SMITH from Washington, to repair some of the harm that I believe was done in last year's NDAA. I filed that bill to this year's NDAA as amendment No. 3115, along with the chairman of the Senate Judiciary Committee, Senator LEAHY.

Senators FEINSTEIN and PAUL have a slightly similar but different approach, created as a result of the detainee provisions passed last year. There are efforts under way to assure that whatever path we take forward is supported by the greatest numbers possible, and I look forward to being part of those important discussions.

I know we addressed this issue in part last year, but in speaking with other Members I know there is a renewed interest in getting our detention policies right, both from the view of counterterrorism effectiveness and constitutional protection. I believe both security and freedom are critically important, and I don't think we have to choose one over the other.

I thank my colleagues for remaining diligent in addressing the detention policies that remain a concern, because Americans must remain engaged on this issue.

Madam President, I yield the floor, and I note 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. 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. Madam President, I ask unanimous consent that Senator THUNE be allotted 7 minutes to speak on an amendment.

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

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I am working with the managers of the bill to try to address concerns they might have on an amendment I have filed at the desk and hope to get accepted. But I wish to speak to it now, if I might.

Essentially, the amendment is just a sense of Congress regarding the Federal Government's use of spectrum, and, in particular, spectrum use of the Department of Defense. Spectrum is a very important resource to the Department of Defense, and it is a very important resource to the private sector.

Unfortunately, spectrum is becoming a scarcer and scarcer resource, and it is increasingly necessary for there to be better and more efficient management of this scarce resource. Demand for spectrum is sharply rising due to the growing advanced network of communication devices that rely on spectrum to transmit and receive information. The rise of mobile devices, such as smart phones and tablets, the iPhone and iPad over the past few years, are the reason for this sharp rise in demand for spectrum.

According to a recent study by Cisco, last year's mobile data traffic was eight times the size of the entire global Internet in 2000. The Cisco study predicts that global mobile data traffic will increase eighteenfold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016.

The rise in the smart phone and the tablet has contributed significantly to our Nation's economy. The Nation's mobile communications industry, by one estimate, directly or indirectly supports 3.8 million jobs, contributing $195.5 billion to the U.S. gross domestic product, and driving $33 billion in productivity improvements in 2011.

With all that has gone wrong with our economy over the past several years, it is important that we as policymakers nurture the growth of the economy, especially where growth is already happening and, in fact, is exploding. We need to enact smart progrowth policies relating to spectrum. I know the spectrum issue isn't easy to understand or to manage, but it is crucial we seek to better manage this scarce resource, and where it is possible to allocate more of the scarce resource to the private sector where it can create jobs and grow the economy.

That is the reasoning and purpose behind my amendment. The Federal Government controls the vast amount of spectrum for its own use. It is probably not all as efficiently managed as it could be. Undoubtedly, a sufficient amount of this spectrum could be made available to help create jobs and grow the economy.

One of the low-hanging fruits we can deal with almost immediately is the band of spectrum known as the 1755-to-1780 megahertz band. This spectrum 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. This 1755-to-1780 band is also 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.

There is no reason for further delay in the reallocation of the 1755-to-1780 band for commercial use. This band was identified for commercial broadband use internationally at the 2000 World Radio Communications Conference over 10 years ago. Despite the international designation of the band for advanced wireless use, it is still allocated domestically for government use, heavily by DOD. The National Telecommunications and Information Administration, or NTIA, the agency which is responsible for all government spectrum, issued studies and reports in 2001, 2002, and 2010 that addressed use of the band for commercial use but took no action. The spectrum was also identified in the National Broadband Plan as potentially available for reallocation.

In March 2012, NTIA released its latest report assessing the availability of the band. Unfortunately, the 2012 NTIA report contains no firm deadline for action and no clear path to making the band available for commercial use. It contemplates a potential 10-year timeframe and potential shared use of spectrum but defers any formal recommendation regarding reallocation until the completion of still further study.

Had NTIA acted when the first band was allocated internationally for advanced wireless use, the band might already be available for commercial services. Without a firm deadline DOD is unlikely to agree to reallocation, and the prospects for reallocating the 1755-to-1780 megahertz band for commercial use remain slim.

That is why my amendment urges the President to direct Federal users on that 1755-to-1780 band to prepare, not later than May 31, 2013, a reallocation plan that includes the cost of relocating from this band, and urges the Federal Communications Commission to reallocate this band to commercial use.

I hasten to add that it is important the cost of relocating the band should be verifiable and transparent. The report for the underlying bill requires the Government Accountability Office to determine if the cost of vacating or sharing the 1755-to-1780 band is sufficiently captured in estimates. I look forward to the GAO's report on this issue.

There are those who may voice concerns about how this impacts our national security. I take a back seat to no one in being pro-military. I sat on the Armed Services Committee for 6 years. I have an Air Force Base in my State that I care deeply about. It is important to understand that existing law provides ample protection to DOD for the relocation to replacement spectrum.

There are those concerned about the cost to DOT to relocate. The law requires DOT relocation costs be covered

by the Spectrum Relocation Fund, which is funded through the proceeds of the auction of the band to commercial licensees. If the auction does not raise 110 percent of the relocation cost, the auction would be canceled, assuring that incumbent users are made whole. Moreover, as part of the U.S. Middle Class Tax Relief and Job Creation Act of 2012, Congress expanded the scope of funding from the relocation fund to include the cost of planning for relocation.

I am confident the Pentagon and the larger Federal Government can more efficiently manage its spectrum holdings and make available additional spectrum to help grow our economy and create jobs.

I hope, Madam President, that we can work this out to have it included as part of the Defense authorization bill. I certainly believe it is an amendment that is important with regard to the issue I mentioned, which is the reallocation and relocation of spectrum in this country to allow for multiple uses—obviously, important private commercial uses—out there and an enormous demand, a demand that is adding significantly to our economy and creating jobs for literally thousands and millions of Americans.

Madam 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. LEVIN. 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. Madam President, I ask unanimous consent that we proceed to the Gillibrand amendment, that there be 20 minutes debate on the amendment, and that it be equally divided between Senator GILLIBRAND and Senator COBURN.

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

The Senator from New York.

AMENDMENT NO. 3058, AS MODIFIED

Mrs. GILLIBRAND. Madam President, I call up amendment No. 3058, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ, proposes an amendment numbered 3058, as modified.

Mrs. GILLIBRAND. 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:

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

SEC. 704. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING 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 developmental disabilities (42 U.S.C. 15002(8)), including 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 $45,000,000, 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 $45,000,000.

Mrs. GILLIBRAND. Madam President, I rise today on behalf of the 30,000 military families who have loved ones with disabilities, including those on the autism spectrum. Sadly, thousands of these Americans suffering from autism and other developmental disabilities are not receiving the treatment that best practices has determined they need.

For example, military families with children on the autistic spectrum are receiving fewer services than their civilian governmental counterparts across the country, many of whom have been rightfully aided by laws passed in over 60 percent of our States, representing over 75 percent of the American population.

Autism places such tremendous strain on our families—health strains, financial, and emotional. They take such tolls. I want to share briefly just a couple of the stories I have heard from struggling military families. They have done everything we have asked of them as a nation, but now they can't even provide for their children.

One veteran was severely wounded in Iraq while heroically serving his country. His injuries were such that he was forced to retire. Because he is retired, his autistic son Shane was no longer able to receive the applied behavioral therapies that were recommended. The wait list for the Medicaid waiver services where he lives was 9 years. So Shane's family had to sell their home to pay the roughly $5,000 per month out of pocket for the ABA treatment he so desperately needs.

The money is running out for their family, and they do not know what to do. But they want to do what is best for their son. Without this relief, we risk allowing brave military families just like this one to fall through the cracks.

Another story: A marine on Active Duty serving in Iraq and Afghanistan three times has maxed out all his ABA therapies to treat his 11-year-old autistic son Joshua. Joshua is nonverbal and his safety is a key concern for his family. So Joshua is prescribed 35 hours of ABA therapy per week. Because of the severity of Joshua's symptoms, the family is basically faced with the impossible decision of either foregoing the recommended care the doctor has prescribed for their son or paying these bills out of pocket for as long as they are actually able.

I don't believe this should ever happen to our military families. I don't believe it should happen to any child, and that is why I am introducing my amendment to require TRICARE to cover the recommended ABA therapies that a doctor prescribes. It would be a matter that is consistent with the best practices across this country and in the rest of the Federal Government.

Our children need this kind of support—Shane and Joshua need this kind

of support—and we should be standing by our men and women who serve in the military because they stand by us. Every parent who has a child with autism or another disability faces challenges to ensure their child has access to the treatments they require. For these military families, the challenges are even greater and often compounded by frequent deployments overseas, the frequent moves to different bases across State lines, and sometimes significant gaps in their coverage.

Today, TRICARE coverage of ABA is severely limited. It is capped at $36,000 per year for an Active-Duty member, which falls far below what is medically recommended for so many of these children.

This care is limited to Active-Duty servicemembers only. Guard and Reserve families receive intermittent care, and children of retirees can't even get coverage at all. As a consequence, military servicemembers often must turn to State Medicaid Programs to help provide these services to their children. But the problem is that these services are often unavailable because of long—years—wait lists. In Maryland, for example, the wait list is 7 years, essentially eliminating ABA coverage during the early developmental years when a child needs it most. The wait list in Virginia is 10 years long.

Even more remarkable than TRICARE not covering these treatments is that the Office of Personnel Management has determined that such treatments may be covered as medical therapies for Federal civilian employees. A recent court decision, which the 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 requires TRICARE to provide coverage and deliver services in a manner that is consistent with the best practices, thereby improving access to care for our military families and aligning the TRICARE policy with coverage that is basically available to anybody else in the civilian sector.

I believe we have a duty to stand by our military families. We have to address this difficult medical issue. We ask so much of our men and women who serve in the military. We must support their families. This amendment simply fulfills that promise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first, I wish to announce that I agree with the assessment of the Senator from New York in terms of the treatment that should be offered. I have no problems with that. I think she is right. There are a lot of other things in TRICARE that aren't right. And what the Senator from New York is doing is admirable, but there is a portion of it that is not.

With the modification to her amendment, she has now raised the total cost of this amendment over the next 10 years to $1.9 billion. And it is true that she has managed to insert with some excess funds that will be spent before the end of the year that won't be there by the time the money for this is used to pay for it. So she does meet that standard, but she doesn't meet the standard for the next 10 years.

So we are in the midst of this large discussion about how we are going to get out of this fiscal mess. I take her at her word that she really does want to reform TRICARE and fix it. But realize that TRICARE hasn't had a premium increase since 1995, and all it would take to pay for this is a $2-per-month increase in premiums for those on TRICARE. And it is just TRICARE Prime; it is not TRICARE Standard and TRICARE For Life. It is just $2. Madam President, $550 per year covers your whole family, with no deductibles and no copays right now. It hasn't been increased since 1995.

So one of the things we ought to do is we ought to work to bring TRICARE standards up to make sure they meet the needs of everybody. I don't disagree with that. But the other thing we ought to do is we ought to pay for it. Now, where is the money going to come from to pay for this, this very well-intentioned and proper thing? The way it is written now by the Senator from New York, this will come out of the operations and maintenance fund. So the very father of an autistic child will have less flight time, less drill time, less shooting time, less preparation time to go out and be a warfighter. And as we think about the 10-percent across-the-board cut that is coming or the $500 billion that is proposed to come out of the Defense Department, none of it is going to come out of TRICARE.

So what we ought to do is we ought to fix these things, but we ought to fix them without digging our hole deeper.

Before Secretary Gates left, he said the biggest thing that is eating the lunch in the Defense Department is the department of health within it that manages the health care because we have not done an appropriate job of having a slight rise in premiums to cover some of the tremendous benefits. Nobody else in the country gets the benefits we give with TRICARE—nobody—$550 a year per family, $275 if you are single, and no copay and no deductible. All it would take is $24 a year by our TRICARE Prime to pay to make sure that the people with disabilities and the people with autism have the appropriate therapies and they are covered under TRICARE.

So I would ask my colleague from New York if she would mind withdrawing her amendment, to be voted on later, that I might be able to offer a second-degree amendment and maybe in that way or another way pay for this out of things that we know are going on, that we could find $1.9 billion over the next 10 years to actually pay for the cost of this over the next 10 years. We didn't have time to do that beforehand. I don't know if she would be willing to do that. But there is no way you should justify taking another $1.9 billion out of the operation and maintenance program for our troops to health care. We ought to eliminate something that doesn't take away from their training time, flying time, shooting time, or sailing time. We ought to be taking it from somewhere else, but that is where this is going to come from.

I applaud what she is doing. She is right about fixing the problem. She is totally opposite of what we should be doing in terms of paying for it, and I would offer to work in good faith in the next hour to try to come up with a second-degree amendment that would be acceptable to my colleague and to the chairman and ranking member of this committee that would actually pay for it.

Madam President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 5 minutes for Senator COBURN and 6 minutes for Senator GILLIBRAND remaining.

Mr. McCAIN. Will the Senator yield 2 minutes to me?

Mr. COBURN. I would be happy to yield.

Mr. McCAIN. Madam President, there is no one I know of in this body at any time who would not want to assist and provide the best care, especially for our disabled children who have autism. It is one of the most compelling stories any of us have ever heard. But I think it is also important for us to recognize that when we continue to add on benefits without a hearing, without any scrutiny, without balancing where they are in the array of priorities we have, and without paying for them—it seems to me that in the budget we have and the expenditures we have, to just say, as the distinguished Senator from New York just stated, that we will address it next year, we will get that taken care of—we all know the hardest thing around here is to find funds for programs.

So I appreciate more than I can say the dedication of the Senator from New York on this issue, but here we go again—we are going to now bestow another entitlement that is not paid for. With all due respect, I say to the Senator from New York, why don't she give us something to pay for it with? Why don't she come up with an offset that would then not have us increase the debt by $1.9 billion? We are now adding a cost of $1.9 billion in the name of one of the most humane and compelling causes any of us know. But don't we have an obligation to the taxpayers? We have an obligation to the taxpayers to say that we are going to take care of these special needs Americans but we are going to pay for it. Instead, we are going to lay an additional

burden on the taxpayers of America which someday is going to have to be paid for—someday. It may not be in this bill, but someday it is going to have to be paid for.

Obviously this amendment is going to pass, but I would love to see the Senator from New York tell us how we are going to pay for it. I don't think that is an outrageous demand.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I thank my colleagues for their statements of support for meeting the needs of the children who do suffer from autism and other developmental disorders, and I do appreciate and believe their sincerity in wanting to make sure they are covered with the treatments they need.

I think we can work together to reform the TRICARE system. It is one that has not had the kind of reform it needs. But this is just an authorization for 1 year to meet the needs of these kids now because I don't want to wait until we figure it out and figure out the rest of the program.

In addition, we did have a hearing. We had scientists and doctors and those who are medical professionals come to testify in front of the Armed Services subcommittee. Through that testimony we established that the only reason the DOD wasn't covering this was because they believed it was an educational program. And what we established and what the medical literature says is that it is actually a medically necessary treatment in the same way you would give a child who is sick a medicine.

I want to address the needs of these kids now. I will commit to working with the Senators to reforming TRICARE so we can actually pay for programs over the long term and reform it in a way that is consistent with the benefits our troops so desperately need.

Mr. COBURN. Madam President, might I ask through the Chair the Senator from New York if she would consider for a short period of time withdrawing her amendment and allowing me to develop a second-degree amendment that would actually pay for this so that we would accomplish her goal—and I think all of our goals—of making sure the proper treatment is there but won't handicap the armed services in terms of delayed training, less training, less flying time? Because it is going to come out of the operations and maintenance funds. I wonder if she would do that with the assurance of the chair and the assurance of the ranking member and chairman of the committee that the amendment would still be considered.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I urge my colleagues to take a more lengthy time to consider how to reform TRICARE and pay for this program than just 1 or 2 hours.

I would like to pass this amendment now. Right now operations and maintenance has $174 billion a year in it. This is $45 million for 1 year just to get the treatments in place for these families. In 1 year's time, we will have more accountability and transparency on what the real cost is. This is just an estimate. So what we want to do is be able to have more facts and then go to reform the TRICARE system properly, and I commit to Senators that I will work with you on that. This is only authorized for 1 year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I believe it was Ronald Reagan who said that the closest thing to eternal life here on Earth is a government program.

Again, the complaint that we continue to hear from our constituents is that we have mortgaged our children's and our grandchildren's futures. And to somehow say, well, we are only authorizing this program for 1 year—does the Senator from New York really believe that once we start treating children with autism, we are going to terminate that program? Does she really believe that? Of course not. Of course not.

We have an obligation to the men and women, the citizens of this country whom we have saddled with a $16 trillion debt to find ways to sacrifice ourselves fiscally to pay for worthwhile programs. So I support a second-degree amendment from the Senator from Oklahoma, which is his right. It is his right to do so. And I don't see how we fulfill our obligation to our citizens by continuing to authorize and appropriate expenditure of their tax dollars without a way to pay for it except to take it out of our taxpayers' pockets.

That is not right. That is not right. The Senator from New York knows it is not right for us, no matter how worthy the cause, for us to continue this continued spend, spend, spend, debt, debt, debt that the American people are saddled with. I probably will not be paying for the national debt but my kids will, my grandkids will. Can't we for once say: Look, this is a worthwhile program, we all support taking care of people with autism, and here is how we are going to pay for it. That would be a unique experience around this body.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I yield the remaining portion of my time.

Mrs. GILLIBRAND. I yield my time.

Mr. COBURN. I think my colleague from New York would like to ask for the yeas and nays.

Mrs. GILLIBRAND. I request a voice vote.

Mr. LEVIN. Is there anyone seeking the yeas and nays?

Mrs. GILLIBRAND. I request a voice vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I think we ought to have a recorded vote on this since we are not paying for it and we are taking $1.9 billion out of the O&M budget of the Defense Department. I ask we have a recorded vote.

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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—66

Akaka	Gillibrand	Mikulski
Ayotte	Grassley	Moran
Baucus	Hagan	Murkowski
Begich	Harkin	Murray
Bennet	Hatch	Nelson (FL)
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Roberts
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Rubio
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Leahy	Shaheen
Chambliss	Levin	Snowe
Coats	Lieberman	Stabenow
Collins	Lugar	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	McConnell	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse

NAYS—29

Alexander	Enzi	Paul
Barrasso	Graham	Portman
Blunt	Hoeven	Risch
Boozman	Inhofe	Sessions
Burr	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	McCain	Wicker
Crapo	Nelson (NE)	

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	Lautenberg	

The amendment (No. 3058) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator PORTMAN may be ready with an amendment that has been cleared and, I believe, can be voice-voted. I am wondering if my friend from Ohio could confirm my understanding that he is ready to proceed and that he is willing to take a voice vote on this amendment?

Mr. PORTMAN. Yes. That would be great. I am willing to take a voice vote, and I believe it is going to be accepted.

The PRESIDING OFFICER. Does the Senator from Ohio seek recognition?

Mr. PORTMAN. Mr. President, I do seek recognition.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2956

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 2956.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for himself and Mr. AKAKA, proposes an amendment numbered 2956.

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

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

The amendment is as follows:

(Purpose: To require a report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces)

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

SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

Mr. PORTMAN. Mr. President, this is a pretty simple amendment. It has to do with correcting a problem that we have found in Ohio and around the country. Amendment No. 2956 simply calls on the Secretary of Defense to work to standardize the educational transcripts of separating servicemembers. I appreciate Senator AKAKA's leadership and cosponsorship of this amendment.

It is an important issue to a lot of our veterans as they are seeking to pursue their educational opportunities after being in the service. If they seek to use the GI bill or other benefits to further their education after taking off the uniform, they sometimes find they have an issue of getting credit for work they have done in the service.

Each servicemember is issued a transcript upon leaving Active Duty. The transcript equates military training and instruction to academic credits. Colleges and universities then use these transcripts to award transfer credit to veteran students.

Unfortunately, there is a significant difference in the types of transcripts issued by each of the military services. As a result, two veterans from different services who took the exact same military courses could receive significantly different academic credit at the same school. If we multiply that across all the services, all of our veteran students, and across all the colleges and universities in this country, we end up with some real issues. We end up with many veterans losing out on credit they deserve, as well as very well-intentioned colleges and universities spending a lot of time and resources trying to make sense of all these differences to help this process for veterans. It often falls on the Veterans Service Offices in these schools, and as my colleagues know, these Veterans Service Offices should be spending their time assisting veterans with their transition to academic life, which is sometimes a challenge.

Ohio has been leading on this issue and has organized public and private schools, our State board of regents, and even the Ohio National Guard to try to bring some sense to this. That has been helpful, but it would be far easier and far better to standardize the military transcripts themselves. It would avoid, again, a lot of the issues, a lot of the bureaucracy.

The Defense Department has recognized some of these issues, and I think they have started down the path of developing a joint services transcript. This is an important first step, and through this amendment we seek an understanding of those requirements and their implementation plan for this kind of initiative, should it be in place, in order to see it on a path to a swift and thorough resolution.

So I think this is one that, again, as the chairman was asking, could be voice-voted. I hope it will be.

So, Mr. President, I ask for a voice vote on the pending amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

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

The amendment (No. 2956) was agreed to.

Mr. PORTMAN. I yield the floor.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if we could get a unanimous consent that Senator CASEY be allowed to proceed as in morning business to comment on filed amendments for—I am sorry, was it 10 minutes?—10 minutes. I ask unanimous consent that Senator CASEY be allowed to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to talk about our Nation's military in light of the legislation we are considering. I commend Chairman LEVIN and Ranking Member MCCAIN and all those who are working on it. I just have some comments on a number of amendments and a few issues.

For more than a decade now our Nation has been at war. In that time period, the men and women of the U.S. Armed Forces have courageously served in Afghanistan and Iraq, assisted communities after disasters, and continued to provide stability across the world. As the military draws down from foreign engagements and strategic directions are reassessed, the Senate should do the same with regard to these issues.

Unlike previous debates on the National Defense Authorization Act, this year the bill before us seeks to clarify the role of the military for the next decade or more.

We are being asked to evaluate how large our military needs to be as we assess our near- and long-term threats. We are being asked to evaluate what equipment and resources this fighting force will need to keep the peace and to combat new aggressors, all while we are being asked to evaluate programs we have introduced over the past decade to support our servicemembers and their families.

There are just a couple issues that are relevant to this debate, one which has particular significance for southwestern Pennsylvania. This is with regard to the military's force structure. I have been alarmed at two proposals submitted by the Air Force as it seeks to restructure.

In Pennsylvania, the Air Force has sought to eliminate the Pittsburgh Air Reserve Station where approximately 1,500 Reservists and civilians are committed to serving our Nation. After numerous briefings and hearings, the Air Force has yet to provide us—to provide my office and I think other offices as well—with a thorough analysis of several of their proposals. These proposals, as presented, have failed to reflect the low overhead costs, efficiencies, and the value of the 911th Airlift Wing.

For example, the 911th has developed an aircraft maintenance program that has resulted in more aircraft availability days while saving the Department more than $42 million over the last 5 years. The Air Force continues to reiterate that they must find savings in this tight budget environment.

If this is true, I am not convinced the closing of one of their most efficient bases meets this objective of cost savings.

I am also disturbed to see how the Air Force Reserve continues to be treated during this process. While the Guard and Active components have been mostly protected, the Air Force Reserve, including the 911th in Pittsburgh, has borne the brunt of these proposed cuts. Therefore, I am pleased Chairman LEVIN and the members of the Armed Services Committee have worked to prevent the Air Force from moving forward with these proposals in fiscal year 2013.

I ask other colleagues to join Senators BEGICH, GILLIBRAND, and me on amendment No. 2952 that seeks to prevent the military from using a backdoor BRAC process to substantially reduce or close bases, especially without justifying to Congress their intentions. On behalf of Pennsylvania's Air Force Reserve, I will continue to fight for a reasoned and balanced restructuring of the Air Force.

The second issue I wish to raise is the so-called TAA Program. We know our long-term strategic interests must also secure the future of servicemembers and veterans alike. Today, I have introduced an amendment that provides assistance to our servicemembers and their families. It is amendment No. 2297, the Transition Assistance Advisors Program, the so-called TAA Program.

It seeks to make permanent and increase the numbers of transition assistance advisors in every State. These advisors coordinate resources for the Reserve component members and their families to help these individuals navigate the myriad of service programs provided by the VA, TRICARE, veterans service organizations, and other supporting agencies.

These advisors are considered a force multiplier by the National Guard Bureau. The TAA assistance advisors enhance the Bureau's outreach capabilities, serve as a vital link between servicemembers and the benefits to which they are entitled. In the last 2 years, since this initiative was launched, 62 of these advisors have reached more than 194,000 veterans and their families. Yet 62 advisors can only do so much. All too often, I hear from my National Guard constituents and their spouses about how confusing it is to navigate military procedures and benefits, especially as they go on and off duty every 2 years.

Our citizen soldiers have answered the call to serve our Nation in times of need. Should we not be doing everything we can to help them navigate these complicated measures when they return home? I think the answer to that question is a resounding yes.

Last year, Congress authorized end strengths of 464,900 guardsmen and women in the Army and Air National Guard. On average, this comes to an average of 1 transition assistance advisor—just 1—per 7,498 servicemembers and their families, obviously not enough advisors to help our families.

I believe this ratio does a disservice to citizen soldiers and to airmen as well as others and their families. I ask my colleagues to support and strengthen this program as our veterans of Iraq and Afghanistan try to reintegrate back into their lives. I thank Senators LEAHY, BLUMENTHAL, TESTER, MIKULSKI, and WYDEN for cosponsoring this important amendment.

Finally, my last issue. This involves women in Afghanistan. In addition to making important adjustments to the size and strength of our military, the authorization act also helps to shape strategic priorities in critical regions. In Afghanistan, we are reducing the U.S. presence and transitioning security responsibilities to Afghan forces. It is critical this process protects the gains that have been made over the last 10 years, particularly with regard to the rights and opportunities of Afghan women and girls. I am concerned that as our international forces draw down, extremists threaten to once again restrict Afghan women's mobility and opportunities for participation in public life.

Women who are active in public life face serious threats to their personal safety in Afghanistan. Girls have been the targets of extremist violence simply for going to school. We all know the story that was written about the acid thrown in the face of two young girls. That was repeated numerous times across the country. Afghan forces are not doing enough to counter these influences and protect women in their communities. This just does not threaten Afghan women and Afghan girls, it threatens the success of the security transition in Afghanistan that we are paying for, that we have invested in, that our fighting men and women have fought and died for.

We know that when women's security deteriorates, it can be an early indicator of a worsening security condition overall. I am very concerned that if we neglect women's security in Afghanistan during this transition period and if we stand by while women are forced out of public life and have their voice silenced by extremists, we will see a less stable and a less secure Afghanistan in 2014 and beyond.

That is why Senator HUTCHISON and I have introduced the Afghan Women and Girls Security Promotion Act and offered it as an amendment to the National Defense Authorization Act. We are proud to be joined by Senators MIKULSKI, FEINSTEIN, GILLIBRAND, MURKOWSKI, SNOWE, LAUTENBERG, CARDIN, and BOXER.

Here is what the legislation does: It requires the Department of Defense to produce a plan—just a plan—to produce a plan to promote the security of Afghan women and girls during the transition process, including monitoring and responding to changes in women's security.

Second, the Department of Defense must work to improve gender sensitivity and responsiveness among Afghan national security forces personnel. Third, it increases recruitment and retention of women in the Afghan national security forces. It will also require that the Department of Defense report on the implementation of this strategy and its results in semiannual reports that are filed.

When I last visited Afghanistan, leading a CODEL in August of 2011, I was privileged to meet with a group of Afghan women leaders. I was impressed and inspired—that is an understatement—inspired by their determination to continue to fight for women's rights even in the face of extraordinary oppression and violence.

One member of Parliament, Fawzia Kofi, lost her father and her husband as a result of her family's involvement in politics. But she is still determined to be a leader in protecting women's rights and advancing Afghanistan's democratic development. She and her colleagues, along with women across Afghanistan, are prepared to do whatever it takes to make sure their rights are protected and that they have a voice in their country's future. Supporting them is not only in line with our American values, it is critical to discouraging extremism and laying a foundation for a peaceful future in Afghanistan.

I am glad several of my colleagues have joined us as cosponsors in this important amendment. I hope we can see more support as we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the chairman has asked me to manage the bill in the meantime while he is working out with the leadership a list of amendments.

Seeing no other Senator who wants to speak at this point, if I may, then I will talk about an amendment that would be offered in the future.

I am going to offer an amendment to repeal the offset in the Department of Defense and the VA benefits for military widows and widowers. The standalone bill, S. 260, has widespread support from military organizations and has 51 cosponsors in the Senate. This is the ninth time that I have and will bring this amendment to the Defense Authorization Act.

It has passed the Senate six times over the past decade, including last year by voice vote. The Senate has supported eliminating this offset for years. I hope this body will remain steadfast in its support for military widows and survivors.

The Presiding Officer will recall in a number of addresses that President Lincoln gave he spoke of the responsibility the government has to take care of the veteran and his widow and orphans. That is an ingrained principle within the law. That is an ingrained

principle as we uphold the finest fighting force in the world, which is our military.

What this amendment does is it addresses the longstanding problems faced by those survivors of people who are killed in action or whose death is related to the service in the military. The requirement for the dollar-for-dollar reduction of the Department of Defense Survivor Benefit Plan—it is an annuity—is offset by the amount of dependency and indemnity compensation that is received from another department, the Department of Veterans Affairs.

The Survivor Benefit Plan from the Department of Defense is an optional program for military retirees offered by the Department of Defense. Military retirees pay premiums out of their retirement pay to ensure that their survivors will have adequate income upon that servicemember's death. That is an insurance plan paid for by the military retiree.

On the other hand, the Dependency and Indemnity Compensation is a completely different survivor benefit. It is administered by the VA. When military service caused the servicemember's death, either due to service-connected disability or illness or Active-Duty death, surviving spouses are entitled to a monthly compensation. Most recently that has been $1,154. That comes from the VA. That is as a result of death with a service-connected disability or illness or Active-Duty death.

Now, of the 270,000 survivors that are receiving, under the insurance plan, the Survivor Benefit Plan, about 54,000 of those widows and orphans are subject to the offset.

According to the Defense Actuary, 31,000 survivors' SBP, the insurance plan, is completely offset by the dependency and indemnity compensation, meaning that the widow or the widower must live just on the DIC, which is $1,154. Well, that is simply not fair because if you engage in an insurance contract and you pay premiums to give you a certain return upon the happening of an event—in this case, the death of a retired military member—then that contract ought to be offered. But because this has been an expensive item in the past, what has happened over the years that this Senator has been trying to eliminate this offset is we have whittled it down but not completely done the complete offset. The fact is that the group of people affected, the group of widowers or widows, is getting smaller and smaller and therefore is going to cost less. I know of no purchased annuity plan that would deny payout based on the receipt of a different benefit, which is the case here.

Retirees bought into the SBP, the insurance plan, in good faith, these military families planned for the future, and the government failed to hold up its end of the bargain.

The military has a longstanding tradition never to leave a comrade behind, but that is what we are doing to the military survivors, the widows and the orphans. We are not taking care of those who are left behind.

We must meet our obligation to the widow and the orphan with the same sense of honor as was the service their loved one rendered. We must eliminate this SBP-DIC offset. It is the right thing to do, and it is going to cost a lot less than when I tried this 11 years ago, but there will be costs. But we have to start by setting the policy of what is right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from California.

Mrs. BOXER. Mr. President, just in the lull here—and if there is any legislative business to take place, I will immediately give up the floor—I wish to make the point that I am so proud to be in this Senate, so proud to have been here for a long time now. I came here in 1993. There were 2 women, then we went to 6 women, and now we are going to 20 women. I have seen changes, I have seen good things, and I have seen rough things.

I have to say one of the things that keeps coming up continually here is folks trying to use these debates on bills to add irrelevant amendments, amendments that have nothing to do with the topic at hand.

I think we all agree that defending our Nation is our No. 1 priority, and therefore having a defense authorization bill is very important. I am sure we don't agree with every single sentence of this bill, but in general we all want to make sure that our military is prepared, that they are paid well, that they get good benefits. We must ensure we have a strong military that can meet every threat. Again, we are going to disagree on what all that means, but at least when we legislate, we ought to make sure that when we offer amendments, they are either noncontroversial and committee chairs have signed off if they are in their jurisdiction or we shouldn't offer them.

The reason I rise today is that we may be facing two environmental riders on this bill, and I want to go on record as saying I am not going to let that happen. Now, if colleagues want to override and stay here through the night and the weekend, that is fine, but I am going to be staying right here because one of these amendments would say that the EPA, under the Toxic Substances Control Act, could never regulate the ingredients in ammunition. This means they could never regulate lead and they could never regulate perchlorate. Lead and perchlorate kill, they harm, they do damage to the thyroid, to brain development, and to the behavior of children. Pregnant women are harmed.

So I am not going to allow an environmental rider to get onto this floor and pass this Senate when we are doing a defense bill which is meant to protect our people. I can tell you right now, you don't put a harmful environmental rider in the Defense bill when you are trying to pass a bill to protect our people, not make it easier for them to be exposed to dangerous lead, dangerous perchlorate, and other chemicals. There is a place and a time to do those amendments, and that would be on a relevant bill, a bill that comes out of the Environment Committee. That is fine. We can debate it then and have a vote when everyone understands the ramifications.

Now there is threat here to have another environmental rider that deals with coal ash, the regulation of coal ash. What does that have to do with the military bill? Zero. The components of coal ash are a huge danger to people. We have seen the coal ash pile up and get loose. In the East, it just goes down in a rainstorm and destroys whole communities. There is an environmental rider waiting to be offered that would weaken the EPA's ability to go to that threat and get rid of it.

I am very distressed, and I am sure you can hear it in my voice. I know there are differences around here, but I take my job seriously. As chairman of the Environment Committee, my job is to protect the public health from toxins such as lead, perchlorate, and the amazing collection of chemicals in coal ash that kill and harm and maim.

I know people want to get this bill done, and, believe me, I want to get this bill done. I have several amendments in this bill that are so important, and I thank colleagues on both sides of the aisle, particularly Senator CORNYN and Senator SNOWE, who helped me with an amendment that would say that if someone has been convicted of a sexual assault, they can no longer join the military. That is in this bill. That is very important.

We have other amendments we have worked on, and I thank Senator LEVIN and Senator MCCAIN. They have reached out to the committee chairs, and they have said: Look, we are trying to protect your jurisdiction. They have now said they have no agreement that our jurisdiction will be protected.

As much as I don't want to sit here and stand guard, I am going to do it because I think that is my role and that is my job.

I thank you, Mr. Chairman, for this moment to express the reason I have been on the floor all afternoon and will continue to be on floor until we adjourn this evening.

Mr. President, I yield the floor, and 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. FRANKEN). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are now going to turn to an amendment of Senator WHITEHOUSE which has been cleared. We have worked to make sure everybody understands that he is going to proceed to the amendment. And then I understand there is not going to be a need for rollcall vote on it.

I ask the Senator from Rhode Island, about how much time does he believe he would need on his amendment before we hopefully voice vote?

Mr. WHITEHOUSE. I would say just 2 or 3 minutes.

Mr. LEVIN. I thank the Presiding Officer.

Mr. WHITEHOUSE. But I do believe that the Senator from Oklahoma wishes to respond.

Mr. LEVIN. And I appreciate that.

Mr. President, I ask unanimous consent that there be 10 minutes on the Whitehouse amendment, equally divided between Senator WHITEHOUSE and Senator COBURN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, may I ask the chairman if he wishes the amendment called up now and made pending or are we simply going to have discussion on it?

Mr. LEVIN. The Senator, we expect now, will be calling up his amendment. And may I, though, correct what I said before. It is possible that there will be a need for a rollcall vote on the Whitehouse amendment.

AMENDMENT NO. 3180

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 3180.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 3180.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to dispense with further reading of the bill.

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

The amendment is as follows:

(Purpose: To provide for scientific frameworks with respect to recalcitrant cancers)

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.".

Mr. WHITEHOUSE. Mr. President, I thank Chairman LEVIN and Ranking

Member MCCAIN for their patience and persistence in allowing us to get to this vote. I think once I have discussed the bill for a moment, it might not seem as though it would have required much patience or persistence to get here, but it did. They have been very kind and very attentive, and I appreciate it.

The history of this amendment is that it began as a bill in the Senate. This bill passed out of the Health, Education, Labor and Pensions Committee by unanimous consent. An identical bill passed through the House of Representatives under suspension. So in many respects it is noncontroversial.

I also thank Chairman HARKIN and Ranking Member ENZI of the HELP Committee for their help getting it through the HELP Committee unanimously and for clearing it for a vote here today on the floor.

The bill at this point has nearly 60 cosponsors. It has 18 Republican cosponsors, and I thank them individually and by name: Senators BLUNT, BOOZMAN, BROWN of Massachusetts, CHAMBLISS, COCHRAN, COLLINS, CRAPO, GRASSLEY, HELLER, HUTCHISON, ISAKSON, KIRK, LUGAR, MORAN, MURKOWSKI, RUBIO, SNOWE, and WICKER, in addition to all my Democratic cosponsors.

This is a bill that also has the support of the American Cancer Society, the Pancreatic Cancer Action Network, the Lung Cancer Alliance, and the American Association for Medical Research, as well as the American Association of Medical Colleges.

What the bill does is asks that the National Institutes of Health convene and evaluate a discussion about what we call recalcitrant cancers. This actually began as a pancreatic cancer research bill, but it became apparent that there were some other cancers that we group now as what we call recalcitrant cancers in that they have not responded to treatment and research, and they remain cancers for which there has been little progress and survivability. And because they are so deadly and so lethal, we are trying to direct a little more attention out of NIH toward research on these cancers.

For me, this has a personal component, as I know it does for many people who have been touched by pancreatic cancer. My mom died of pancreatic cancer, and I have a number of friends who have been touched by it in their families as well.

I know the distinguished Senator from Oklahoma has opposition to this. If he would like to state his piece, I will be delighted to yield the floor so he may do so now. I hope at the conclusion of his remarks we could move this by a voice vote rather than calling all of our colleagues back for another vote. But if he objects to that, then that is within his prerogatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we have made remarkable progress in this country in terms of research into diseases. Since Francis Collins and his great work on the genome complex became successful, the way we research disease has totally changed. I have my favorite aunt who died of pancreatic cancer. I diagnosed it hundreds of times in my own practice of patients who were dear to me and whom I love. The problem with pancreatic cancer is it is diagnosed late. It is an adenocarcinoma of the pancreas, much like an adenocarcinoma of the colon. The reason we do so well on colon cancer is we do colonoscopies and we can treat the disease early. What is well-intended by this recalcitrant cancer bill will actually delay the cure for pancreatic cancer and other recalcitrant diseases.

Let me take a few minutes to explain why I am saying that.

We no longer look at diseases to cure them by looking at the base disease. There is translational and neurocommunicative and peptide and small markers of communication on an intracellular basis. Now, when we do research and we find that, what we find is we find cures for multiple diseases.

The other thing is we can take 100 people with a recalcitrant cancer, and every one of them, when we look at the genetics of cancer, will have to be treated differently. In other words, it is going to take a different approach, even though we might classify it as a neuroblastoma of the kidney or a pancreatic cancer—but looking at the genetics of the cancer, which is what we are doing now, is going to require totally different treatments.

This is very well intended. I understand. This is a big disease, and it is terrible that we diagnose it at a time where we cannot end up—less than 10 percent, around 5 percent survival rates, 5-year survival rates on this disease.

I would like to have printed in the RECORD a letter I received from Dr. Francis Collins. I ask unanimous consent to have that printed.

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

DEPARTMENT OF HEALTH & HUMAN SERVICES,
Bethesda, Maryland, November 16, 2012.

Hon. TOM COBURN,
U.S. Senate,
Washington, DC.

DEAR TOM COBURN: Thank you for your September 17 letter requesting that I address four questions about how disease-specific legislation affects the ability of the National Institutes of Health (NIH) to plan and perform research.

First you asked if the NIH already has the ability to create strategic plans and working groups without a legislative mandate to do so. The Secretary of Health and Human Services and leaders of the Institutes and Centers of the NIH have the authorities needed to constitute standing advisory committees, create working groups, and develop plans for research programs; as a result, they do not need legislative mandates to take such actions. The NIH Institutes and Centers have senior advisory councils that oversee the research portfolio of each component. Individually or in collaboration, the NIH Institutes and Centers frequently form other advisory groups charged with planning research on Institute-specific or trans-NIH subjects. These many activities, in conjunction with our peer review panels, are part of our ongoing effort to evaluate the current scientific landscape and to protect and advance our investments in research for public benefit.

Let me provide a recent example of how these planning processes work. The National Institute of Allergy and Infectious Diseases (NIAID) has used working groups to identify scientific opportunities in areas where there are pressing public health needs. One example is influenza—both seasonal influenza, which kills up to 49,000 Americans each year, as well as pandemic influenza such as the recent 2009 H1N1 pandemic. In early 2006 NIAID convened a Blue Ribbon Panel on Influenza Research to help identify areas in which progress was needed. This panel recommended eight areas in which there were opportunities for scientific advancement, including research on improved influenza vaccines. To continue and build upon these efforts, NIAID released NIAID Influenza Research: 2009 Progress Report, which identified the development of ''universal'' influenza vaccines as an expanding area of scientific opportunity.

Currently, the NIAID's extramural researchers are pursuing multiple vaccine strategies for the development of a universal influenza vaccine. In addition, researchers at the NIAID Vaccine Research Center are making significant progress towards the development of such a vaccine. They have tested in animals a two-step, prime-boost vaccine that generates neutralizing antibodies against many strains of influenza virus. Animal studies of this technique have proven promising, and researchers will soon study the approach in human clinical trials. This past summer, NIAID sponsored, with the Food and Drug Administration, a scientific meeting to revisit progress and challenges with regard to the development of universal influenza vaccines. This comprehensive NIAID effort is just one example of how the NIH constantly examines scientific opportunities and conducts research evaluation and planning activities within its current statutory authority.

You next asked me to address the NIH's ability to foster groundbreaking discoveries without legislation that directs it to address a specific disease or group of diseases. While we seek always to be responsive to the concerns of the public, often expressed through ''report language'' in appropriations bills, the NIH has considerable statutory authority to plan and oversee the research that leads to important discoveries. Because our science often produces new and unexpected findings and because medicine is often confronted with altered or unyielding threats to public health, the NIH Institutes and Centers must constantly assess their research plans and portfolios. For example, the National Cancer Institute recently organized a group to perform a ''horizon scan'' of pancreatic ductal adenocarcinoma (PDAC) research, building on previous planning exercises in 2001 and 2008. This new group will examine current research efforts, benchmark our scientific under aiding, and identify promising and possibly underexplored areas for future research in hopes of improving the still dire outcome of this dreaded disease.

You further asked me to address the impact of disease-specific legislation on the NIH's ability to allocate resources freely and to study basic biology and mechanisms. When providing technical assistance to the Congress on possible legislation, the NIH generally suggests that Congress provide the maximum flexibility for our mission. Basic

research that may lack any overt connection to specific diseases is the foundation for disease-specific translational and clinical research, and it must be preserved to ensure the discoveries that later drive applied work on individual diseases. If Congress is too proscriptive when it directs the NIH to focus on specific diseases, the agency loses its valued flexibility to allocate resources in a manner that optimizes the likelihood that the scientists we support will discover the underlying disease mechanisms that must be understood to achieve our goal of improving the health of our nation.

Let me provide an example of basic research that addresses several specific types of cancer. As early as the 1980s, cancer researchers observed mutations in a certain critical gene, the KRAS gene, in a variety of human cancers, including about a third of lung cancers, about half of colon cancers, and as many as 95 percent of PDACs. Basic research on a wide variety of cell types, from yeast to human, has taught us that the KRAS gene encodes an unusual signaling protein that acts in conjunction with other proteins as a molecular ''on/off' switch for signals promoting cellular growth. Mutations in this gene leave the switch ''on'', resulting in persistent cell growth and division. Despite what we know about KRAS mutations, and despite extensive efforts in both industrial and academic research sectors, we have not yet been able to counter these mutations therapeutically. In order to treat PDAC and many other cancers exhibiting KRAS mutations, we must focus on research that increases our understanding of how such mutations drive the biological effects that cause these devastating diseases. Given what we have learned about molecular mechanisms, it would be counterproductive to limit that effort to a specific cell type. In other words, if Congress directs the NIH to study specific diseases without flexibility, it can limit our ability to follow the best leads in science and to pursue discoveries that move an entire research field forward in a way that produces maximum benefit to the public.

Finally, you asked me to address how genomics has revolutionized the study of underlying mechanisms of disease. Recent advances in genomics are transforming the way science is conducted. Our understanding of basic mechanisms has increased exponentially with the widespread adoption of high-throughput screening, genome sequencing, and advances in bioinformatics. This transformation of the biosciences is profoundly affecting the practice of medicine. Advances in the biological sciences have changed the way we view disease. We now recognize that dysfunction of specific biochemical pathways that govern cell behavior may be similar in superficially disparate diseases or quite different in patients with the same category of diagnosis.

When you and I were in medical school, all patients with cancers of a given organ were treated with the same combination of chemotherapy, radiation therapy, or surgery. With today's application of high-throughput screening and genomics, we are now shifting to treating an individual's cancer with a kind of ''precision medicine'' that is based upon the patient's genome and the genome of his or her individual tumor. As an industry scientist recently told the New York Times, ''[t]he old way of doing clinical trials where patients are only tied together by the organ where their cancer originated, those days are passing.'' This is just one more reason why directing research resources toward a particular disease without flexibility, as defined in the pre-genomic era, can run counter to scientific opportunity.

In closing, let me be clear that the NIH is not permitted to take a position on the recalcitrant cancer legislation being considered by the Congress. Such statements can only be issued by the Office of Management and Budget as a Statement of Administration Policy.

Thank you for your continued support of the NIH.

Sincerely yours, with best personal regards,

FRANCIS S. COLLINS, M.D., PH.D.,
Director

Mr. COBURN. It is outlining NIH's and specifically the National Cancer Institute's concerns with this type of directive from us. I think they care about whether we solve these problems associated with these recalcitrant cancers. I think people who want to get it solved are true in their motives to try to solve it.

But there are some significant things in his letter that I would like to quote for my colleagues because I think it might just change your mind about us micromanaging what they are doing.

First, he says:

We have all the authorities to do whatever we need to do with the money that you have given us. We can do all these things you want us to do. If you tell us to do them, we will do them. But we already have the authority to go where we think we are going to get the best results in the quickest way.

NIH constantly examines scientific opportunities and conducts research evaluation and planning opportunities within its current statutory

In other words they are looking, trying to figure out how they change, where they go now

The national cancer institute recently organized a group to provide a ''horizon scan'' of pancreatic ductal adenocarcinoma ad carcinoma, building on previous planning

They just did all this. They have just been through a total review of pancreatic adenocarcinoma, and they have just shifted where they are spending funds to address this issue.

Basic research that may lack any overt connection to specific diseases is the foundation for disease-specific translational and clinical research.

We must preserve this translational research if in fact we will want to eventually apply it to specific diseases. So I would say this bill, ''pre'' the genomic age, would be a right thing for us to do. It is the wrong thing for us to do because what we are actually going to do is we are going to force the NIH to do things that are not going to benefit the results—the outcome of these diseases and waste money on what is being directed.

Do we have a time limit?

The PRESIDING OFFICER. Evidently; 10 minutes equally divided.

Mr. COBURN. I ask unanimous consent to continue until I finish my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I am distracted. What is the unanimous consent request?

Mr. COBURN. I wanted to finish my remarks.

Mr. LEVIN. I understand. Was it an additional 5 minutes?

Mr. COBURN. It will not be much longer than that. I am certainly not

Mr. LEVIN. I have no objection.

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

Mr. COBURN. ''Advances in the biological sciences have changed the way we view disease. We now recognize the dysfunction of specific biochemical pathways''—not disease-specific pathways—''biochemical pathways that govern cell behavior that may be similar in superficially disparate diseases or quite different in patients with the same disease.

What they are saying to us, through this letter, is that, of course, they are going to do what we tell them to do. But the very intent of what we are wanting to accomplish is we are going to delay the outcome because we have not significantly, in the last 3 years, significantly increased NIH's budget. So limited dollars are going to be spent as directed through this recalcitrant bill that are not going to direct the translational research and biochemical pathway research they are in.

I would just tell my colleagues in the next 10 years we are going to see such phenomenal changes in our approach to disease, and the treatments for that, and the reason we are going to see it is because we stop looking at diseases and started looking at translational genomics and biochemical pathways.

I will be one of the few who vote against this. I am fine with a voice vote if no other colleagues object. I have no problems with that. But in the name of doing good I suggest that we are actually going to limit our ability to achieve, at a sooner time, the cures that everybody who is supporting this bill would like to see.

I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. With the permission of the chairman, may I ask for a voice vote at this time?

Mr. LEVIN. I know of nobody else who wishes to speak on this amendment—I withhold that so we can hold off and see if anybody else wishes to speak.

Mr. President, I know of no further debate on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3180) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. 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. Senator PORTMAN, I believe, wishes to speak relative to an amendment? I believe the Senator from Ohio wishes to speak relative to an amendment? I ask Senator PORTMAN be recognized for—how many minutes, may I ask the Senator?

Mr. PORTMAN. Seven minutes.

Mr. LEVIN. For up to 10 minutes, to speak up to 10 minutes.

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

Mr. PORTMAN. I ask unanimous consent to speak as in morning business.

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

PARTISAN RULE CHANGE

Mr. PORTMAN. Mr. President, I commend the chairman and ranking member for the way they are handling this bill. As we have seen on the floor today, Democrats and Republicans alike are able to offer amendments and have an honest debate on the issues, which is exactly how we ought to be operating.

As the fiscal cliff approaches we should not only be working together across the aisle to address issues like we are today with the Defense authorization bill, but we should also be working to address other critical issues, including tax issues and spending issues. That is what I wanted to address.

We have a lot of challenges. Instead of pulling together we seem to be pulling apart, and I am specifically referring to some of the suggestions by some in the majority that we consider a controversial and partisan rule change that would marginalize minority Members and in a way that breaks the current rules to change the rules.

What I mean by that is it takes 67 votes to change a rule in the Senate. That is a rule, by the way, that dates back to 1917. The reason that is in place is because, obviously, folks wanted to force the majority and minority to work together to make those rule changes. We don't get a two-thirds vote without that. I think it is important that the basic rules are ones that are agreed on.

The party in the majority tends to change a lot around here. In fact, we have shifted back and forth between Republicans and Democrats 7 times in the past 30 years. So at one point we are in the majority, one point in the minority, and that is why having these basic rules in place make sense.

There are some proposing we get around the 67-vote majority by some procedure where, instead of having a two-thirds vote, we would just have a majority vote to change a rule. Regardless of what rule that might be—some would say it would be on the motion to proceed and other aspects of the filibuster. Of course it would set a precedent that could change the rules for other things as well. I think that would prove counterproductive in the short term. I also think it would prove counterproductive in the long run for the Senate.

All of us are focused, I hope, on the serious economic challenges that we face with the fiscal cliff impending. I think this would be the wrong time for us to put this body into an even more partisan environment by changing these rules.

Again, I commend the chairman and ranking member for what we are doing today because this is an example of how the Senate can work and has worked on several bills in my short time here. But in other cases we have not been able to do that. I think that involves both parties, again, working together to solve these problems.

The issue before us is the fiscal cliff, and I also want to address briefly, if I may, the ongoing discussion about taxes and what we should do regarding taxes. I want to take this opportunity to talk a little about why some of us believe that raising tax rates would be counterproductive at a time when our economy is so weak, and that there is another opportunity, and that is for tax reform.

The jobs crisis and the debt crisis are linked, and the President has made that point. He has said his priority in the grand bargain discussions, the fiscal cliff discussions, is to ensure that we encourage economic growth and jobs. So we should use this as an opportunity to address the underlying problems that are holding back our economy, an economy that is in tough shape today. Unemployment is still stuck just below 8 percent. The projections CBO has given us for the next year, by the way, are continued anemic growth in the economy and, in fact, unemployment going up, not down.

The economic case against imposing higher taxes is overwhelming. We all know if we tax something, people tend to do less of it and that is one reason why smoking is taxed, to get people to quit smoking. So why do we want to raise taxes on working, saving, and investing? Instead, we should encourage policies that create jobs, not discourage them through higher taxes.

Don't take it from me. There are others who have commented on this on both sides of the aisle. Christina Romer, President Obama's former Chief Economic Adviser, has written that in most circumstances, a tax increase that equals about 1 percent of GDP actually lowers GDP by about 3 percent. Harvard economist Marty Feldstein has written that a $1 increase in tax rates tends to cost the economy about 76 cents of growth.

There is a global perspective on this as well because other countries have gone through these fiscal problems and they have chosen to cut spending in some cases and raise taxes in other cases. There is a Harvard economist, Alberto Alesina, who has recently studied the experience of 17 countries in the developed world, such as the United States. Over the past 25 years, he has looked at how they have attempted to reduce their budget deficits. Based on IMF data, which is the International Monetary Fund, he concluded that ''tax-based deficit reduction'' was, in his words, ''always recessionary.'' By contrast, reducing deficits by cutting spending and enacting pro-growth reforms, including tax reform, actually spurred economic growth, according to the same study.

I think that this is consistent with our own economic history. Between 1948 and 1961, a period when the highest income tax rate rose from 82 to 91 percent, we went through some tough times. We had four recessions. Thankfully, our exports that helped rebuild Europe following World War II helped keep the economy moving. Reducing the top tax rate to 70 percent also helped, but the 1970s were still a period of stagnation, recession, double-digit unemployment, double-digit interest rates, double-digit inflation. It was when Ronald Reagan reduced rates to 28 percent that we saw this impressive period of growth, maybe the most impressive ever.

It is something we saw again in 1997 when capital gains taxes that were cut under President Clinton and the Republican leadership in Congress were followed by a surge of investment and growth into the late 1990s. Again, after the 2003 tax rate cuts, we saw another example of the power of low tax rates. This was the 2003 tax cuts. In the six quarters before those rate cuts, the economy lost 1 million jobs. In the six quarters after those tax rate reductions, in 2003, economic growth nearly doubled and 2.3 million jobs were added.

Some tax increase advocates may assert a willingness to accept slower economic growth in the cause of deficit reduction and that is a legitimate point of view, that we need to have slower economic growth because deficit reduction is so important. But I would also point out some statistics. Slow growth also means less tax revenue. The White House's own data suggests that even a .26-percent reduction in economic growth—which is likely with big tax hikes—would wipe out the entire $800 billion in promised deficit reduction from higher tax rates. Growth is so incredibly important to reducing our debt and deficit and getting in control of our fiscal situation. So tax rate increases are not only bad economic policy, but they tend to be bad budget policy.

Tax reform is needed, and through tax reform we could have higher revenues. But both theory and practice make a convincing case that keeping rates low is better for the economy and jobs. Structural spending reforms combined with pro-growth tax reform, in my view, are the right approach and I think historically that has proven to be true. I will speak for myself as one Republican, although other Republicans as well are willing to accept new revenues, but the right way to do it is through reforming our outdated Tax Code and having these structural reforms that everybody feels are necessary.

Both the corporate and individual sides of the Code are marked by relatively high marginal rates and a complex maze of tax preferences that distort economic decisions, misallocate capital, and allow some taxpayers to avoid paying their share. Tax reform can kill two birds with one stone. By capping or eliminating inefficient tax

preferences, we can avoid raising corporate and individual rates, without adding a dime to the deficit, by the way. In fact, if done right, tax reform will increase revenues by spurring growth, job creation and, therefore, bigger tax receipts.

Tax reform is both a fiscal and competitive necessity for our country. It has been more than 25 years since we substantially reformed the Tax Code and twice as long—about 50 years—since we did a bottom-up review of our international tax laws. The world has changed a lot in that time period, yet America has not kept up. The underlying assumptions in our Tax Code are, frankly, out of step with today's complex global economy. This is especially evident in our corporate Tax Code. The United States is now the highest corporate tax country among all the developed countries in the developed world. Canada has lowered its federal corporate rate from 16.5 percent to 15 percent, bringing its combined rate to 25 percent—nearly 15 points lower than the U.S. combined rate. Our rate is 39.2 percent when we combine the State and Federal burden. The Federal burden is 35 percent and the State burden is closer to 36 percent. So right now the average among all of the developed countries in the world is 25.1 percent, and the U.S. rate stands at 39.2 percent when we combine the State and Federal burdens.

A similar trend, by the way, has played out with respect to international tax rules, as our trading partners, including Japan and Britain, have moved to a more competitive, territorial-like tax regime over the past 10 years, which encourages movement of investment, capital, and jobs overseas. So there is a simple point here which is, by standing still, the United States is falling behind. The resulting drag on American competitiveness and job creation is real and substantial.

The solution is tax reform that broadens the tax base by scaling back tax preferences and cutting the corporate rate. We could cut it to 25 percent and scale back the deductions, credits, and exemptions, and have a competitive, territorial system and have it all be revenue neutral. There is such a proposal by the Joint Committee on Taxation here in Congress.

I am not saying it is easy. Some of these preferences, of course, and loopholes are ones that are very difficult to reduce or eliminate, but it would be the right thing to do for our economy. I think we have seen some signs of developing bipartisan consensus on this issue and I am hopeful we will see the same movement for pro-growth individual tax reform, because reforming the entire Tax Code is critical to regaining competitiveness, spurring growth, and producing the revenues we need to pay for important public priorities.

The smart way to raise revenue is not through tax hikes that will shrink our economy, but rather through tax reform designed to help grow the economy and help make American workers and businesses more competitive so we can compete and win in the global economy.

Again, today as we are approaching the fiscal cliff I hope this Senate works together on a bipartisan basis to work toward tax reform in a way to increase revenues and grow our economy while we look at the important structural reforms we have to make in order to solve the fiscal crisis we face.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me elaborate a little bit on what the Senator from Ohio just said. I think it is important to remember that the whole idea was a Democratic idea and not a Republican idea. Some of us remember. We were not actually here at the time, but in the 1960s during the Kennedy administration—of course, the last time I checked he was a Democrat—he was the one who made this statement. I have quoted him very often. He said, We need more revenue to take care of the great society programs that he had kind of inherited and was furthering. He said, The best way to increase revenue is to decrease marginal rates. He did that. I remember the top rate went down from 90 percent to 70 percent, and during his period of time, the total amount of revenue that came from marginal rates raised from $94 billion to $153 billion.

Then, a few years later, along came Ronald Reagan and the total amount of revenue that was raised for marginal rates in the year 1980 was $244 billion and in 1990 it was $466 billion, which almost doubled in the decade that had the most streamlining and reduced reduction in marginal rates in our history.

So I think it is interesting to observe that this is not—it wasn't all a Republican idea, but it is something that has worked every time it has been tried.

Mr. PORTMAN. I thank my colleague from Oklahoma. I wish to follow up briefly on that and say that in 1997, when we decided to move toward a balanced budget agreement when President Clinton was President, there was also an agreement to cut the capital gains rate. We sometimes forget the capital gains rate cut produced a lot of revenue that was not expected. As a result, we got to a unified balanced budget on a unified basis more rapidly than anybody thought we would. It came 2 or 3 years sooner than projected, in part because there was about $100 billion of new revenue that showed up the next year from the fact that we did reduce the capital gains rates.

I understand the need for us to deal with the deficit and to have revenue. There is no question that this is necessary, but to do it by raising rates alone, which is what is being proposed by some people, is going to result in lower economic growth, it is going to result in job loss, and it is not going to have the intended benefit on the revenue side. The alternative is clear, which is, for the first time in a couple of decades, we need to get busy on reforming this Tax Code as Ronald Reagan did with Democratic help, including Democratic Senators such as Phil Bradley here in the U.S. Senate, to encourage growth and to encourage the kind of economic growth that is going to result in more revenue coming in. We should not miss this opportunity to do that.

As I said earlier, I believe there is a building consensus around that. We saw it in the Simpson-Bowles Commission. We have seen it in the Rivlin-Domenici work, and other outside groups have looked at this, at our Tax Code. And by broadening the base, we can be more competitive and through growth have additional revenues coming in.

Mr. INHOFE. I appreciate the comments of the Senator from Ohio. I would go a little farther and say this obsession that the only way to do these things is to raise taxes, I think that flies in the face of history.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mrs. BOXER. Mr. President, I ask that the quorum call be dispensed with.

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

Mrs. BOXER. Mr. President, I listened to the Senator from Ohio and I want to be heard because he is talking about the fiscal cliff and how upset he is at the thought that the wealthiest people in America might go back to the tax rates we had under Bill Clinton when we had the greatest prosperity, we had 23 million new jobs, and we balanced the budget to the point where we even had a surplus. My friend comes down here and complains that the proposal on the table would give 98 percent of the people a tax cut and he is upset that 2 percent of the people might have to go back to the rates under Bill Clinton.

I want to say something. We just had an election. We had a big election. We had a tough election. We had an expensive election. One of the major parts of that election revolved around what do we do about the deficits, what do we do about economic growth, what do we do about spending. We discussed it in the Senate races, we discussed it in the House races, and, of course, President Obama and candidate Governor Romney discussed it again and again.

My friend talks about consensus. Let me tell my colleagues the consensus. More than 60 percent of the people agree with President Obama and the Democrats that we ought to climb down off this fiscal cliff in the next 5 minutes and pass what the Senate passed, which is to renew all the Bush tax cuts and go back to those over $250,000 to the rates of Bill Clinton. That is what we passed here. That

would bring us almost $1 trillion over 10 years. That will get us to climb down that cliff.

Then we have other parts of the cliff, there is no question about it, including the automatic sequester. I think it is easy to deal with that by bringing home some of the overseas account money and applying it to the sequester and getting rid of at least half of that sequester, and maybe all of the sequester. But, no, people are going to listen to these speeches every day about how we are obsessed with taxes.

What are people talking about when they say obsessed with taxes? I will tell my colleagues what I am obsessed about. I am obsessed with the fact that we passed a tax cut for 98 percent of the American people and our friends are so worried about the millionaires and the billionaires that they will not allow that bill to be voted on in the House. So people can stand up here morning, noon, and night, and I want them to and I respect their views, believe me, but I do not agree with them.

It is no wonder that the American people are confused. We know we have the fiscal cliff. We know we don't want to see tax rates go up for the middle class. Yet the Republicans say they are going to hold up all those tax breaks for 98 percent of our people because they want to hold on to the tax breaks for billionaires and for millionaires. We had an election about that.

People agreed with us. I suppose we are going to have to hear these speeches every day about how we are going to grow our way out of the deficit. We are going to grow our way out of the deficit? Really? Look what happened under George W. Bush. He inherited surpluses. He turned it into deficits as far as the eye can see, with huge tax cuts to the millionaires and billionaires—huge—the very tax cuts our friends are defending right now. He did two wars on the credit card and we wound up in a mess.

So we have to come together with the best ideas that we can have. I know we can reach agreement. But let's do the first step, which is to take care of 98 percent of the people. The Republicans want to have tax breaks for 100 percent of the people. We are saying: Can you take 98 percent?

If I stopped you on the street and said: I am willing to give you 98 percent of what you say you want, and you walk away from me, and you attack me, and you say I am not ready to do anything, I honestly think people would scratch their heads.

So I think it is clear. The Senate passed a bill to renew the tax breaks for 98 percent of the people. We are saying up to $250,000 in income, we go right back to those Bush tax cut rates. But over $250,000, we go to the Clinton years, pay a little bit more, so we can attack this deficit, so we can make the investments we need to make in this great country of ours.

I will tell you, if the Republicans can do this, we are going to see smiles on the faces of the people. I was very happy to see that TOM COLE over in the House, who was the head of the RCC, the Republican Congressional Committee over there, says it is time to come to an agreement on that proposal.

So I say to the Republicans: We are giving you 98 percent. Take it. Then let's sit down and debate the rest of it. There are a lot of other things we have to do. There is the AMT. We have to do a doc fix. We have to do a lot of other things. I am willing to compromise on those things. But let's at least get those tax cuts in place right now before this holiday season so that the middle class knows they are not going to face a tax increase. I can say honestly that the American people would think we were doing the right thing if we were to see the House take up the Senate bill and pass it.

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. LIEBERMAN. 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. LIEBERMAN. Mr. President, I rise to speak on a broadly bipartisan amendment that I have filed, and that I hope and believe will be called up at some point. Obviously, I would like it to be adopted by unanimous consent but, if not, it merits a rollcall vote, and I am confident it will be addressed on a rollcall vote.

This amendment is amendment No. 3090 to this National Defense Authorization Act for Fiscal Year 2013. It will reauthorize two very important and very broadly supported programs—the Assistance to Firefighters, AFG, Program—which otherwise used to be known as FIRE, the FIRE Act—and the Staffing for Adequate Fire and Emergency Response Program, known as SAFER. This amendment also reauthorizes the U.S. Fire Administration for 5 years, an agency which is a component of FEMA that is focused on supporting firefighters and EMS personnel.

This amendment reauthorizes AFG and SAFER for 5 years but it also takes much needed steps to ensure that the firefighters not only have the equipment, vehicles, and personnel that we need them to have to do the jobs they do for us in our country every day, the amendment also helps departments in communities struggling with economic difficulties, creating a hardship waiver for both of these fire programs—AFG and SAFER—that allows FEMA to waive requirements in communities that have been hard hit in these tough economic times.

Some people might say: Well, why has the Federal Government established these programs to support firefighting? Aren't those local responsibilities? Well, of course, the Federal Government has partnered with many local and State responsibilities that we deem to have national importance.

There is no question since 9–11–2001, as we witnessed those firefighters putting their lives on the line, running into danger to save people as opposed to running away from it—and we contemplated after 9–11–2001, as we have consistently in the Senate Homeland Security Committee, how we would respond—are we ready to respond to, God forbid, another mass terrorist attack on the United States? The first line of defense will be the local firefighters, the local law enforcers, and the local emergency medical personnel.

So these brave and skillful firefighters around America now become part of the first line of response to the kind of threats in this unconventional age in which we live that our homeland security is threatened by.

As important as it is to help our firefighters, obviously, many of us on both sides of the aisle, who have cosponsored both of these bills, understand we have to demand accountability as we spend taxpayer dollars in a time when we are trying to reduce our deficit and debt.

For this reason, the amendment does a couple of things. It includes provisions to prevent earmarks from being attached to these programs. AFG and SAFER actually have never been earmarked, which is an impressive accomplishment. In other words, these are formula programs in that sense and decided on a merit basis, decided on applications, never earmarked from Congress. We should keep it that way.

But this amendment, recognizing the tough economic times we are in, also reduces the authorizations for these two programs, AFG and SAFER, by more than 30 percent—more than 30 percent. So we are meeting a national need with the authorization of these programs, but we are doing it in a way that is mindful of the tough fiscal times we are in.

Supporting our Nation's firefighters and emergency medical service responders is a national priority. It is, in my opinion, one that is not only broadly supported by Members of both parties and an occasional Independent here in the Senate, but is broadly supported by the American people regardless of where they live all over this country.

So, Mr. President, I will, with the cooperation and support of the two managers of the bill, who are supporters of these two pieces of legislation—Chairman LEVIN and Senator MCCAIN—look forward to the time when I can ask that this amendment be the pending business and that we can either adopt it by consent or bring it up for a rollcall vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

Mr. CHAMBLISS. Mr. President, I rise in support of an Ayotte amendment, No. 3245, an amendment that makes permanent the current prohibition on the use of defense funds to transfer or release Guantanamo Bay detainees into the United States. This amendment is identical in substance to section 1027 of the Fiscal Year 2012 National Defense Authorization Act, except that it prohibits the use of the funds permanently.

We know the President said he would close Guantanamo almost 4 years ago. I thought it was a bad idea then; I think it is an even worse idea today. We should move beyond campaign promises and think about what makes sense on this issue. The stubborn refusal to increase the Gitmo detainee population has been the key stumbling block in establishing an effective long-term detention policy.

The American people have been pretty unified in their opposition to bringing Gitmo detainees to the United States, and I believe we should listen to them.

I understand that Senator FEINSTEIN just released the GAO report she requested regarding facilities and factors to consider if Gitmo detainees were brought to the United States. I have reviewed this report, and I have to respectfully disagree that this report offers any support whatsoever for the idea that Gitmo detainees can or should be moved to the United States.

The very first page of the GAO report lays out in stark terms the serious problems that would come into play if detainees from Guantanamo were transferred to the United States: legal and cost considerations, compliance with U.S. and international laws, collecting intelligence information, and ensuring the safety and security of the general public and personnel at these facilities.

The report makes very clear that the Department of Justice does not have the authority to maintain custody of detainees under the AUMF. In other words, even without the prohibition on transfers of detainees to the United States, it would be illegal for the Bureau of Prisons or the Marshals Service to take custody of Guantanamo detainees.

Moreover, the Department of Justice told the GAO—and I quote—it ''does not plan to transfer detainees to the United States,'' saying it raises legal, policy, and resource issues that descriptions of current policies and practices contained in the GAO report cannot fully address.

Essentially, the Department of Justice is saying that on top of those issues already described in the GAO report, such as insufficient standards for law or war detention, severe overcrowding, and ''implications for the public safety,'' there would be even more issues that are not mentioned at all. And that is from a Department of Justice that has fully supported the idea of moving Gitmo detainees into the United States.

Housing these detainees in DOD corrections facilities does not seem to be the answer either because of equally troubling legal and safety issues for detention of these individuals, including the Geneva Conventions' prohibition on detaining prisoners of war in penitentiaries.

These are just some of the reasons Congress has prohibited the transfer of these detainees to the United States and why those prohibitions must continue.

This prohibition made sense last year and it still makes sense today. The GAO report only confirms that. The detainees who remain at Gitmo include the ones who have been determined to be too dangerous to transfer, including the individuals who were responsible for the masterminding of the attack on September 11, which we just celebrated the 11th anniversary of.

So if that is the case, why on Earth would we put these detainees whom we will not send to other countries in cities and towns across the United States of America? The Federal Government's primary responsibility is to keep the American people safe. Keeping these detainees at Gitmo accomplishes that goal.

I urge my colleagues to support the Ayotte amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I also ask to be recognized as in morning business.

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

Mr. INHOFE. Mr. President, the Senator from Georgia is exactly right. I do not think, in the years I have been here, I have ever seen one issue where everyone is in agreement. If we go back to 2007, 94 Members of this Senate got together and they said—and this is all documented—that: Detainees housed at Guantanamo Bay should not be released into American society, nor should they be transferred stateside into facilities.

We all agreed on that. Then we agreed again in 2009 and every year since then, as the Senator from Georgia has said. But a lot of people have forgotten. We have had this issue for so many years now, they have forgotten some of the original reasons why. One of the obvious reasons—there are three reasons. One was that prisons that hold these detainees become magnets. I do not think people understand that a terrorist is not a criminal. He is a terrorist. His job is to train people to kill other people, to engage in terrorist activities.

Do we truly want them in there talking to all our prisoners? That was one of the major reasons people were all coalescing around the idea that we have a great place to put these guys; that is, Guantanamo Bay.

The second reason is the prison guards. They have to be specially trained in order to guard a prison that has terrorists as opposed to the normal criminal element.

The third is what FBI Director Robert Mueller has said; that there is a very real possibility that Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue al-Qaida operations from the inside, which is how the New York synagogue bombers were recruited.

We should not even be debating this. The Ayotte amendment is one that will take care of this so we do not have to worry about it from year to year, we do not have to stand here and anguish over this thing that we have decided several times.

I can remember—I guess it was back in the early administration of Obama—when he identified 17 areas in the United States that would be appropriate for incarcerating terrorists whom we would take out of Gitmo. One of those places happened to be Fort Sill in my State of Oklahoma. So I went down to Fort Sill. I looked at the facility we had that was within the Fort Sill facility.

There was a lady there whose name is Sergeant Major Carter. I can remember when she came up to me she said: Senator, why in the world? Go back and tell those people back there that they do not understand what is going on. This is coming from a sergeant major. She happened to be a Black lady. She had been down there for some time. She said: Go back and tell them I had two tours in Gitmo. There is no place that is more humane. There is no place that is taking care of them, no place where we can secure the area so we protect our prison guards like Gitmo.

She even went on to say one of the biggest problems we had with the inmates in Gitmo is an overweight problem because they are eating better than they have ever eaten in their lives. They had medical attention for diseases they did not know existed.

So we have an opportunity there to do it. I applaud Senator AYOTTE for wanting to address this so we do not have to go through this every year. Nothing has changed. We know it is a revolving door. People who go out from there, many of them return to the battleground, and there is no place else that offers this security and the confinement.

The last thing I would say, we do not have many good deals in government, and let's see anyone here find a better deal. We have had this—it was either

since 1901 or 1904. I cannot remember the year. But as I do recall we are still under the same lease agreement. That whole facility that we have at Gitmo, along with the court system down there, all we pay is $4,000 a year.

Ever heard of a better deal than that? About half the time Castro does not bill us. So let's take advantage of one of the few good deals we have, one of the few security deals we have, and make this a permanent arrangement. I hope we have the chance to vote on it. It is my understanding we are going to be able to address these and bring them up, put them in the queue and have votes. Hopefully, that will even be tonight.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Lieberman amendment, No. 3090, to be called up with the modification that is at the desk; that the amendment, as modified, be agreed to; that following disposition of the Lieberman amendment, it be in order for the following amendments to be called up: Ayotte No. 3245 on Guantanamo and Feinstein amendment No. 3018 on detainees; that there be up to 20 minutes of debate equally divided in the usual form on the Ayotte amendment; that upon the use or yielding back of time on the Ayotte amendment, there be up to 60 minutes of debate equally divided in the usual form on the Feinstein amendment; further, that at 9:30 p.m. this evening, the Senate proceed to votes in relation to the Ayotte and Feinstein amendments in the order listed and that no amendments be in order to the amendments prior to the votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCAIN. Reserving the right to object, and I will not object, I believe we will have a package, also, following this, of amendments that have been cleared by both sides.

I would like to express my personal appreciation for the cooperative and compromising fashion in which this unanimous consent agreement was entered. I would like to thank all parties, including the chairperson of the Intelligence Committee and others. I think this will allow us to move forward and complete this legislation sooner rather than later.

There are still a lot of amendments that have been filed, and at some point that has to stop and at some point we are going to have to finish all these. Many of them are duplicative and many of them are not particularly necessary, but I think we have made a giant step forward. I am confident we can complete this authorization bill and we will continue the record of now some 51 years of having completed an authorization bill.

I thank the chairman for his leadership.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that any further amendments must be filed no later than 7:30 tonight.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, does this apply to second-degree amendments?

Mr. LEVIN. If there is an amendment filed tonight by 7:30. It could be offered as a second degree at some later time, but it has to be filed tonight by 7:30.

Mr. KYL. Mr. President, I would indulge my colleague, apparently there are two people on our side we would have to check with. I ask if our colleague could withhold that request to see if we can work it out.

I would also ask, is it not possible that if further amendments can be worked out to be voted on tonight after the two that are scheduled to be voted on, there could be other votes tonight to try to continue to dispose of amendments on the bill; is that correct?

Mr. LEVIN. The Senator is correct. These are not the last two votes tonight necessarily at all. As of now, we are still planning on having votes tomorrow.

The ACTING PRESIDENT pro tempore. Objection is heard to the filing deadline request.

Mr. LEVIN. I withdraw that request.

The ACTING PRESIDENT pro tempore. It is withdrawn.

LIEBERMAN AMENDMENT NO. 3090, AS MODIFIED

The ACTING PRESIDENT pro tempore. The clerk will report the Lieberman amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LIEBERMAN, proposes an amendment numbered 3090, as modified.

The amendment (No. 3090), as modified, is 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 5 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 5 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).

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I remind my colleagues we have been on the bill now for 2 days, so it might be time to stop filing amendments. I don't think that is an outrageous request on the part of the managers of the bill. I hope we can have those objections or concerns removed so we can at least bring the filing of amendments to a close.

I would ask the distinguished chairman, are we going to move with the managers' package now?

Mr. LEVIN. We could. Let us report this amendment first and then why don't we do that. It will just take us a couple minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 3090, as modified, is 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.

AMENDMENTS NOS. 2929, 2942, 3230, 2966, 2973, 2980, 2994, 3059, 3072, 3086, 3098, 3186

Mr. LEVIN. Mr. President, I call up a list of 12 amendments which have been cleared by myself and Senator MCCAIN:

McCaskill amendment No. 2929, McCaskill amendment No. 2942, Boxer amendment No. 3230, Hatch amendment No. 2966, Inhofe amendment No. 2973, Boxer amendment No. 2980, Casey amendment No. 2994, Toomey amendment No. 3059, Inhofe amendment No. 3072, Vitter amendment No. 3086, Shaheen amendment No. 3098, Coburn amendment No. 3186.

I understand from Senator MCCAIN that these amendments have been cleared on his side.

Mr. MCCAIN. Those amendments are cleared.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2929

(The amendment is printed in the RECORD of Monday, November 26, 2012, under ''Text of amendments.'')

AMENDMENT NO. 2942

(Purpose: To expand whistleblower protections to non-Defense contractor and grantee employees)

On page 248, between lines 19 and 20, insert the following:

SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

''(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

''(A) A Member of Congress or a representative of a committee of Congress.

''(B) An Inspector General.

''(C) The Government Accountability Office.

''(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

''(E) An authorized official of the Department of Justice or other law enforcement agency.

''(F) A court or grand jury.

''(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

''(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

''(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

''(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

''(b) INVESTIGATION OF COMPLAINTS.—

''(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

''(2) INSPECTOR GENERAL ACTION.—

''(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

''(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

''(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

''(A) made with the consent of the person alleging the reprisal;

''(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

''(C) necessary to conduct an investigation of the alleged reprisal.

''(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

''(c) REMEDY AND ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

''(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

''(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

''(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

''(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

''(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

''(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

''(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

''(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

''(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

''(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

''(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abuse of authority' means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

''(2) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.''.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking ''commenced by the Federal Government or a State'' and inserting ''commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title''; and

(2) in subsection (c)(3), by striking ''the imposition of a monetary penalty'' and inserting ''the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

AMENDMENT NO. 3230

(Purpose: To reauthorize and modify the responsibilities of the United States Advisory Commission on Public Diplomacy through fiscal year 2014)

At the appropriate place, insert the following:

SEC. _____. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting ''(referred to in this section as the 'Commission')'' before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

''(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as 'public diplomacy activities'.''.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

''(d) REPORTS.—

''(1) COMPREHENSIVE ANNUAL REPORT.—

''(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

''(i) a detailed list of all public diplomacy activities funded by the United States Government;

''(ii) a description of—

''(I) the purpose, means, and geographic scope of each activity;

''(II) when each activity was started;

''(III) the amount of Federal funding expended on each activity;

''(IV) any significant outside sources of funding; and

''(V) the Federal department or agency to which the activity belongs;

''(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

''(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

''(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

''(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as 'cost-per-audience' or 'cost-per-student' for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

''(i) 'effective' for activities that—

''(I) set appropriate goals;

''(II) achieve results; and

''(III) are well-managed and cost efficient;

''(ii) 'moderately effective' for activities that—

''(I) achieve some results;

''(II) are generally well-managed; and

''(III) need to improve their performance results or cost efficiency, including reducing overhead;

''(iii) 'ineffective' for activities that—

''(I) are not making sufficient use of available resources to achieve stated goals;

''(II) are not well-managed; or

''(III) have excessive overhead; and

''(iv) 'results not demonstrated' for activities that—

''(I) do not have acceptable performance public diplomacy metrics for measuring results; or

''(II) are unable or failed to collect data to determine if they are effective.

''(2) OTHER REPORTS.—

''(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

''(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the Website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

''(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.''.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'', the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

AMENDMENT NO. 2966

(Purpose: To reauthorize and expand the multi-trades demonstration project)

At the end of subtitle C of title III, add the following:

SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.''; and

(2) in subsection (b), by striking ''Logistics Center, Navy Fleet Readiness Center,'' and inserting ''Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,''.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking ''2013'' and inserting ''2018''; and

(2) in subsection (e), by striking ''2014'' and inserting ''2019''.

AMENDMENT NO. 2973

(Purpose: To express the sense of the Senate on training of mental health counselors for members of the Armed Forces, veterans, and their families)

At the end of subtitle D of title VII, add the following:

SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

AMENDMENT NO. 2980

(Purpose: To require an Inspector General of the Department of Defense report on allowable costs of compensation of employees of Department of Defense contractors)

On page 238. between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this

Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

AMENDMENT NO. 2994

(Purpose: To require a report on a program on the return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain)

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

SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled ''Critical Materials Strategy'', the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous byproducts to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

AMENDMENT NO. 3059

(Purpose: To require a report on the establishment of a joint Armed Forces historical storage and preservation facility)

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.

AMENDMENT NO. 3072

(Purpose: To express the sense of Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces)

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.

AMENDMENT NO. 3086

(Purpose: To require assessments by the Air Force of the effects of proposed movements of airframes on joint readiness training)

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.

AMENDMENT NO. 3098

(Purpose: To require a report by the suspension and debarment officials of the military departments and the Defense Logistics Agency)

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.

AMENDMENT NO. 3186

(Purpose: To require a study on small arms and ammunition acquisition)

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.

Mr. LEVIN. Mr. President, what is the pending matter?

The ACTING PRESIDENT pro tempore. It is now in order for the Senator from New Hampshire to offer an amendment.

Mr. LEVIN. There is 20 minutes evenly divided?

The ACTING PRESIDENT pro tempore. There will be.

The Senator from New Hampshire.

AMENDMENT NO. 3245

Ms. AYOTTE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 3245, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Ms. AYOTTE] proposes an amendment numbered 3245.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the transfer or release of certain individuals from United States Naval Station, Guantanamo Bay, Cuba)

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

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

Ms. AYOTTE. Mr. President, I rise in support of my amendment No. 3245.

Last year, in the Defense authorization bill we had in it a prohibition that would prohibit transferring those who are held in military custody at the Guantanamo Bay facility from there to the United States of America. This year, as the language of the Defense authorization stands, there is no such prohibition, making it possible for the administration, should it choose, to transfer from the Guantanamo Bay detention facility 166 foreign enemy combatants who are being currently detained at Guantanamo. I am deeply concerned that the Defense authorization does not include this prohibition of transfer language, and that is why I have brought forth this amendment.

I am also pleased that this amendment is being cosponsored by the vice chairman of the Senate Select Committee on Intelligence, Senator CHAMBLISS, as well as Senators Inhofe, Graham, Kirk, and Sessions.

We have at Guantanamo Bay a top-rate facility that allows for the secure and humane detention and interrogation of foreign terrorist detainees, including right now the mastermind of the attacks of our country on 9/11.

I don't think anyone in this body would dispute that when our country was attacked on September 11, that was an act of war against the United States of America, and we remain, unfortunately, at war with members of al-Qaida and other terrorist organizations that want to kill Americans and our allies simply for what we believe in and for what we stand for in this country. This is a war, and those who were killed on September 11 were victims of this war.

One of the concerns I have is that when we are at war, the priority always has to be to detain those who are captured, pursuant to that war, in military custody.

We have at Guantanamo Bay a top-rate facility. I have visited it personally. Those who are held there are treated humanely. It is a very secure facility that is not on our homeland, and it is very well protected by our military.

Also at that facility is a top-rate court, where military commissions can be held for those who are charged who are held at Guantanamo Bay. Why is that important? Because when you are at war, those aren't mere criminals—they are not mere criminals who have committed a burglary in our neighborhood. They have committed acts of terror against our country, and they are very dangerous individuals, many of whom would attempt do so again were they released. That is another reason why I have brought this amendment forward, because I think it is very important that the American people be safe and secure and that those individuals who are being held there—many of them who are tremendously dangerous—be held in a secure facility that is not on our soil.

In 2009, the Attorney General discussed and sought to bring Khalid Shaikh Mohammed—the mastermind of 9/11—to trial in New York City. The American people and members of both sides of the aisle objected to having the trial of Khalid Shaikh Mohammed in New York City. As a result, Khalid Shaikh Mohammed is being held at Guantanamo Bay. He will be tried by a military commission. But that demonstration made it clear the American people do not want foreign members of al-Qaida and associated terrorist organizations being brought to the United States when we have a secure facility at Guantanamo Bay that we have spent resources to update, that is very humane.

In fact, in February of 2012, the Washington Post asked: Do you approve of the decision to keep open the Guantanamo Bay prison for terror suspects? Seventy percent of the American people who answered that survey said: Yes, we approve of it.

I want people to understand whom we are talking about transferring from Guantanamo Bay to the United States of America and understand the individuals and some of the background of those who are being held at Guantanamo Bay, coming to a neighborhood near you.

This is, of course, the mastermind of the September 11 attacks, Khalid Shaikh Mohammed, who is being held at Guantanamo Bay. He is often called KSM. He claims to have personally decapitated American journalist Daniel Pearl in 2002, and he admitted to playing a role in over 30 terrorist plots. Some of these include a 1995 plot to blow up 12 U.S. airliners flying from Southeast Asia to the United States for which he was indicted the following year; the 1993 World Trade Center bombing; a plot to hit towers in Chicago, Seattle, Los Angeles, New York's Empire State Building, and nuclear power stations. KSM also claimed he was involved in a plot to assassinate Pope John Paul II and President Bill Clinton. He, of course, met Osama bin Laden in the 1980s, and in 1999 KSM persuaded Osama bin Laden to support the horrible acts that occurred on our soil on September 11.

Mullah Mohammad Fazil is another individual being held at Guantanamo Bay. Fazil is suspected in the death of CIA Officer Johnny ''Mike'' Spann in 2001, the first casualty of the Afghanistan war. He was deemed by U.S. officials as a high threat to the United States. It was assessed that he would likely rejoin the Taliban and participate in operations against U.S. and coalition forces if released. He was at one time the most senior Taliban leader in northern Afghanistan. In fact, he was so senior he once threatened Taliban leader Mullah Omar. Fazil has been implicated in the murder of thousands of Shiites in northern Afghanistan under Taliban control, and he is wanted by the United Nations for possible war crimes.

Another individual being held at Guantanamo Bay, Mohammad Nabi, is tied to a 2002 attack that killed two Americans and maintains loyalty to al-Qaida.

Let's be clear. There is a 28-percent recidivism rate of those we have released from Guantanamo Bay back to foreign nationals who have gotten back into the battle against our country. These are individuals who have not renounced the war on terror. The recidivism record speaks for itself. They have gotten into the battle. They still want to be involved in terrorist activities. They still want to be a member of al-Qaida or other terrorist groups and commit acts against our country and our allies.

Again, Mohammed Nabi is tied to the 2002 attack that killed two Americans. He maintains loyalty to al-Qaida. Yet some of my colleagues, if you think about it, would insist in other amendments we are dealing with today that he be treated as a common criminal.

One of the concerns I have is that if we close Guantanamo and we transfer all of those individuals to the U.S. courts, will they then claim all of the rights here in the United States? And God forbid any of them had to be released here as a result of challenges they would bring.

Nabi was a senior Taliban official also who helped finance the Taliban and smuggled weapons used against our troops. Nabi maintained weapons stockpiles and helped smuggle fighters and weapons to attack our warfighters. He is reportedly loyal to the Pakistan-based Haqqani terrorist network. The Haqqani network, of course, has been designated by the State Department as a foreign terrorist organization, and the Haqqanis are loyal to the Taliban and behind some of the largest attacks against the United States, Afghan, and coalition troops and interests in Afghanistan. He was also a member of a joint al-Qaida/Taliban cell in Khost, Afghanistan, that was involved in attacks against the United States and coalition forces. He continues to have issues with his behavior and how he has conducted himself.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Ms. AYOTTE. He is just one of the individuals who, if we do not have this prohibition, may be transferred to the United States of America.

Those are just three of the individuals who are present at Guantanamo Bay who could be coming to a neighborhood near you. Some may cite—one of the reasons I brought forth this amendment as well is some may cite a GAO report saying that we could somehow transfer these individuals here. Let's be clear what that GAO report says.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. AYOTTE. I ask this body to agree to this amendment and not bring these terrorists here to the United States of America.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I oppose this amendment, and I ask Members to vote against it. The distinguished Senator from New Hampshire just said that any transfer of Guantanamo detainees out of that facility essentially endangers Americans. But consider how effectively we hold terrorists in the United States today.

We have 180 terrorists in Federal prisons in the United States of America who are in maximum security, and they cannot escape. We have supermax prisons. We have prisons where for 23 hours a day individuals are in a cell that is all concrete with just a small viewing place.

What this amendment would do is prevent any flexibility forever in how the U.S. government can handle those held in Guantanamo Bay. For example, the Guantanamo detainees could not be moved to a supermax prison in the United States. I don't think preventing options is the right thing to do. No one in all these years has escaped from a supermax prison in the United States of America. So clearly, the detainees could be held safely and securely.

Additionally, I believe this amendment could bring on a veto by the President. Today, a statement of administration policy was issued that indicated concern about restricting the transfer of Guantanamo detainees.

I believe Guantanamo has been a blight on the image of our country across this world and it should be closed down. It is important to note that there are reasons to have the flexibility that Senator AYOTTE's amendment would restrict.

For example, there are detainees at Guantanamo who could be transferred to the U.S. to be convicted in federal criminal courts. Others try to leave, like the Uighurs, for instance, but there is no place for them to go. And this amendment restricts them from being transferred here to the United States.

Many say, why would we let terrorists come to our backyard? Well, let's consider the hundreds of terrorists that are already in our backyard serving time at 98 facilities across the United States, according to a GAO report released yesterday.

The Blind Sheik is incarcerated in a Federal prison in the U.S. Khalid Shaikh Mohammed's nephew, Ramzi Yousef, is in a Federal prison here. Richard Reid, the Shoe Bomber, is in a Federal prison here. Najibullah Zazi and Adis Medunjanin, who plotted to bomb New York subway system, are both in Federal prison here.

I have a list of terrorists arrested here, 98 of them since 2009, who will go to Federal prisons. Let me describe a few of these arrests. One of the examples was earlier this month, Ralph Deleon, with Miguel Alejandro Santana Vidriales and Arifeen David Gojali were arrested by the FBI. They were planning to travel to Afghanistan to attend terrorist training and commit violent jihad. They will do time in a Federal prison here. Rezwanul Ahsan Nafis plotted to bomb the New York Federal Reserve Bank on October 20, 2012. He will do time in a Federal prison here. Adel Daoud plotted to bomb a downtown Chicago bar in September 2012, and he will do time in a Federal prison here.

Our Federal prisons hold terrorists already and they will continue to hold them. So to remove any kind of flexibility on Guantanamo and to say that you cannot move a detainee out of the facility and into a Federal prison in the United States is a mistake. I very strongly believe perpetuating Guantanamo forever is a mistake. So I ask my colleagues to vote no on this amendment.

I yield the floor.

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

Ms. AYOTTE. Mr. President, I ask unanimous consent to have 2 minutes to respond, and then I will defer to my colleague from South Carolina.

Mr. LEVIN. Reserving the right to object, how much time is left on each side?

The ACTING PRESIDENT pro tempore. Time in opposition is 5½ minutes.

The proponents of the amendment have no time remaining.

Ms. AYOTTE. I don't have any time remaining. OK.

Mr. LEVIN. Would the Senator from California agree that there be 5 minutes added to each side?

Mrs. FEINSTEIN. I do not need additional time. I would be willing to add an additional 2 minutes.

Ms. AYOTTE. Then I defer.

Mr. LEVIN. That is fine. I think there is no objection.

Mr. GRAHAM. We thought there was 20 minutes on each side. Apparently, it is close enough. Just a few minutes? But I want Senator AYOTTE to wrap this up.

Mr. LEVIN. I ask unanimous consent that 6 additional minutes be added to the proponents of this amendment and, if needed, that 6 additional minutes be added to the other side.

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

Ms. AYOTTE. Mr. President, I would like to respond briefly.

I have great respect for the Senator from California. The distinction here in the cases she has been citing—the disposition of them—I think is a very important distinction. Certainly we have good Federal court systems. They are designed, though, for criminals and for crimes. Guantanamo Bay is a secure facility on which we have spent substantial resources to make a top-grade facility. I visited there. That is for terrorists when there is an act of war against our country, and those individuals who are being held there have committed acts that warrant them being held in military detention because of the terrorist acts I have outlined and the individuals involved. There is a big distinction, and the American people do not want those individuals brought here to the United States of America.

With that, I yield the remainder of my time to the Senator from South Carolina.

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

Mr. GRAHAM. Mr. President, long story short, the American people believe that the military prison in Guantanamo Bay, Cuba, isolated from the American population, that is being well run by our military and monitored by all kinds of organizations, is a satisfactory answer to the problem of terrorism. Simply stated, the American people do not want to close Guantanamo Bay, which is an isolated, military-controlled facility, to bring these crazy bastards who want to kill us all to the United States. Most Americans believe that the people at Guantanamo Bay are not some kind of burglar or bank robber. They are bent on our destruction. I stand with the American people, that we are under siege, we are under attack, and we are at war.

Some of my colleagues in this body have forgotten what 9/11 is all about. The people in that prison who attacked us on 9/11 want to destroy our way of life. They do not want to steal your car. They don't want to break into your house.

We have a military prison being well run, so I think the American people are telling everybody in this body: Have you lost your minds? We are at war; act like we are at war.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have heard a lot of hyperbole tonight. Of course we are at war. Part of the glory of this country is the values we hold dear. We have a Federal court system that has worked. We have 373 people connected to terrorism serving time in the Federal prisons of the United States of America. They are under an entity called the Bureau of Prisons that sees that the facilities are run the way they should be. Most are in isolated areas, such as the one in Florence in Colorado. It is far from the city—I think some 30 miles—and is a maximum security prison in part.

The GAO report just released yesterday showed that the Federal prison system can hold Guantanamo detainees safely and securely. To keep Guantanamo open forever, to say that there is no flexibility as to what you can do with the detainees in terms of transferring them into the United States, into Federal custody, I think is wrong.

I have seen and watched on the Judiciary Committee and the Intelligence Committee real problems with military commissions. I think Senator GRAHAM understands that and has seen it as well. I do not believe the rate of convictions in Military Commissions any way equals the rate of convictions in Federal courts and think about how much time it has taken to get the Military Commission trials going compared to federal courts.

I really think this is very much a kind of political movement, that Guantanamo, isolated from everything, run by the military, has to keep people for the rest of their lives. Maybe that is what some people think. But a terrorist act is also a criminal act. It is a heinous criminal act, but one which our federal criminal courts can provide justice. Not just Guantanamo. So I really urge a ''no'' vote on this. Hopefully, if it passes, it can be removed in conference.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. How much time remains for the opponents?

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. LEVIN. Mr. President, I very much oppose this amendment. We have a court system in this country which is second to none. To deny this administration or any administration the opportunity, should they choose to exercise their discretion, to charge terrorists as criminals seems to me to be highly unwise and is not a particularly strong step in the war against terrorism.

This amendment is undesirable. It would create a permanent restriction on the administration's options—not, by the way, just this administration's options, any administration's options in conducting the fight against terrorism. It prevents the administration's ability to bring any detainee from Guantanamo for any purpose, including their prosecution in court. I think it is unwise and not a strong step at all in the war on terror to deprive the President of the tools he might need to carry out the protection of this country from the threat of terrorism.

This amendment would permanently cut off the possibility of prosecuting these Guantanamo detainees in Federal court. I hope we do not do that. I hope we defeat the amendment of my friend from New Hampshire, Senator AYOTTE.

Finally, this is what we call veto bait. The administration continues to strongly oppose these provisions which intrude upon the executive branch's ability to carry out its military, national security, and foreign relations activities and to determine when and where to prosecute Guantanamo detainees.

So it is unwise in terms of our national security; it is unwise in terms of the rigidity it imposes on the executive branch as to where to prosecute terrorists, alleged terrorists, and it also jeopardizes the signing of this bill as soon as we can get this bill to a conference and get a conference report back to both bodies. So I hope we defeat the Ayotte amendment.

If we have any time left, I yield it back.

Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Ayotte amendment is pending.

Mr. LEVIN. Has all time been used?

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. LEVIN. So under the existing UC, we are now moving to the Feinstein amendment, and that is now the pending business?

The ACTING PRESIDENT pro tempore. It has not been called up yet by the Senator from California.

Mr. LEVIN. I understand. Let me then ask unanimous consent that Senator INHOFE, on behalf of Senator COONS and himself, offer a cleared amendment at this point.

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

AMENDMENT NO. 3201

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for the consideration of amendment No. 3201.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. COONS and himself, proposes an amendment numbered 3201.

Mr. INHOFE. I ask unanimous consent that the 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 express the sense of the Senate on ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army)

At the end of subtitle D of title XII, add the following:

SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for ''Additional ISR Support to Operation Observant Compass'', the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

Mr. INHOFE. Mr. President, this amendment has been cleared on both sides. This is the one that originally we had several years ago concerning the Lord's Resistance Army in Africa and the showing that we have a policy in this country to bring this man down, the man called Joseph Kony. And we want to renew this so that we will have this pending again. It doesn't change anything that is going on at the present time except it keeps our policy in effect; that we are after the Lord's Resistance Army, and we will do what we have been doing in the past until it is completed.

So I ask my colleagues to adopt this amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

The Senator from Michigan.

Mr. LEVIN. Let me, first of all, commend Senators INHOFE and COONS. This is a very important amendment, and the determination to go after Kony and the Lord's Resistance Army is essential not just in terms of the values that we so dearly believe in, but also in terms of avoiding further slaughter that has been perpetrated by Kony.

So I commend Senators INHOFE and COONS, and I hope this amendment will not only pass but will send a very important statement as to where America stands on this subject.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

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

The amendment (No. 3201) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I think we may have someone—we want to yield 5 minutes to the Senator from Utah.

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

The Senator from Michigan.

Mr. LEVIN. The pending business is still the Ayotte amendment. I am just wondering if the Senator from Utah might indicate what it is that he will speak on.

Mr. LEE. I wish to speak for 5 minutes regarding the Feinstein-Lee amendment.

Mr. LEVIN. I wonder if we could get to the Feinstein amendment. I am sure Senator FEINSTEIN will be happy to yield time to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 3018

Mrs. FEINSTEIN. I ask unanimous consent to call up amendment No. 3018.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK, proposes an amendment numbered 3018.

Mrs. FEINSTEIN. I ask unanimous consent that the 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 clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States)

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

SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b)(1) 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.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

''(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

Mrs. FEINSTEIN. I note that Senator LEE is on the floor, and I know he wants to speak as he is a cosponsor of this amendment. So I will yield to him, and then when he finishes I will speak.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the opportunity to speak regarding amendment No. 3018, the Feinstein-Lee amendment.

It has come to my attention that some opponents of the Feinstein-Lee amendment have made an argument that habeas corpus is sufficient to protect the rights of Americans apprehended on American soil and detained by the United States Government. This is nothing more than another way of suggesting that the government should be able to detain some Americans indefinitely without charge or trial. I disagree and believe that our constitutional traditions demand more than this—significantly more.

The fifth amendment of our Constitution provides that ''No person . . . shall be . . . deprived of life, liberty, or property without due process of law.''

As Supreme Court Justice Antonin 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.

This right of American persons to due process of law is foundational to the very idea of individual liberty from unwarranted government intrusion.

I have worked with Senator FEINSTEIN and other colleagues on both sides of the aisle to craft an amendment originally entitled the Due Process Guarantee Act to ensure that this basic constitutional right is indeed protected. I believe even with the serious national security threats we now face, America must hold fast to our most fundamental constitutional rights and liberties.

The U.S. Government should not be authorized to detain Americans indefinitely without charge and without trial. As Justice Scalia explained, the proposition that the Executive lacks indefinite wartime detention authority over citizens is consistent with the Founders' general mistrust of military power permanently at the Executive's disposal.

I believe it is clear that the Founders of our Constitution were acutely aware of this critical tradeoff—the tradeoff

we still face today—between safety on the one hand and freedom on the other. On this very point, Alexander Hamilton was prescient. He wrote:

> Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war; the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty, to resort for repose and security to institutions which have a tendency to destroy their civil and their political rights. To be more safe they, at length, become willing to run the risk of being less free.

Our Nation's Founders warned us about the great danger of sacrificing our most basic liberties in the pursuit of security—security at all costs. They provided us with a Constitution framed to prevent precisely such a tragic outcome.

I urge my colleagues to vote in favor of the Feinstein-Lee amendment and against the mistaken idea that the government may detain American persons indefinitely without charge and without trial.

Thank you, Mr. President. I yield back the remainder of my time to Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the amendment before us is cosponsored by the distinguished Senator who just spoke, Senator LEE, as well as Senators COONS, COLLINS, PAUL, LAUTENBERG, GILLIBRAND, KIRK, TESTER, JOHNSON, SANDERS, WHITEHOUSE, HELLER, BAUCUS, DEMINT, WEBB, KLOBUCHAR, BINGAMAN, ROCKEFELLER, BEGICH, and BOXER. An amendment similar to this received 45 votes in the last session.

I wish to spend a moment on the genesis of this amendment because, for me, it goes back to April 1942, the day a Western Defense Command and Fourth Army Wartime Civil Control order went out in San Francisco with instructions to all persons of Japanese ancestry, that: All Japanese persons, both alien and nonalien, will be evacuated from the above designated areas by 12 o'clock noon on Tuesday, April 7, 1942. No Japanese person will be permitted to enter or leave the above described area after 8 a.m. Thursday.

That was in the city of San Francisco.

What was created was an internment camp near the city which became a staging area for the placement of Japanese Americans in detention camps without charge or trial for the remainder of World War II.

This was Tanforan Racetrack, directly south of San Francisco. One Sunday afternoon—I was a small child in 1942—my father took me down to show it to me. This is what I saw. We see stalls made into bunk houses. We see the center of the field made into barracks. We see the little places where individuals were kept. We see Japanese-American citizens who did nothing wrong who were being interned for years during World War II.

It was shocking. Then it took until 1971 for a bill to be passed and then signed by President Nixon reversing the policy. That bill was called the Non-Detention Act of 1971, and it repealed a 1950 statute that explicitly allowed detention of U.S. citizens. That 1971 bill said—and I quote:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Since then and after 9/11, various cases were litigated and went as far up as the Supreme Court. One of them in 2004 was Hamdi v. Rumsfeld, and it addressed a very narrow issue involving a citizen captured on the battlefield of Afghanistan. Then a second case, Padilla v. Rumsfeld, in the Second Circuit Court of Appeals involved an American citizen captured in the U.S.

So the question is whether the Non-Detention Act of 1971 prevents U.S. citizens captured in the U.S. like Padilla from being detained or whether the AUMF passed after 9/11 authorizes such law of war detention in the U.S.

What we are trying to do with this simple amendment is what is called a clear statement rule, to say once and for all:

> 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.

I know this is a sensitive subject, but I believe we stand on the values of our country, and one of the values of our country is justice for all. And we have a Constitution that has 7 articles and 27 amendments that give us fundamental protections.

This amendment, which builds on the continuing application of the principles behind the Non-Detention Act of 1971, would provide very clearly that no military authorization allows the indefinite detention of U.S. citizens or green card holders who are apprehended inside the United States. Some may ask why just include citizens and green card holders. Let me be clear, if I could further and add ''all persons'' and get as many votes, I would. I do not think it would, and we have looked into how to do this for a year now. So we have limited it to what we believed could get the maximum number of votes in this body.

Here is the point of this amendment: What if something happens and you are of the wrong race in the wrong place at the wrong time, and you are picked up and held without trial or charge in detention ad infinitum? We want to clarify so this cannot happen; so that the law does not permit an American citizen or a legal permanent resident to be picked up and held without end, without charge or trial.

I want to say that the FBI and other law enforcement agencies have proven time and time again that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil.

I have a document that was prepared by the Intelligence Committee staff lists 98 terrorists who have been arrested and are on their way to conviction and will do time, many of them life sentences, in Federal prisons, and these are just those arrested in the last 3 or 4 years.

Since January of 2009, there are 98 who have been successfully arrested. I think it is important to understand that suspected terrorists who may be in the United States illegally can be detained within the criminal justice system under four options that exist today. They can be charged with a Federal or State crime and held. They can be held for violating immigration laws. They can be held as material witnesses as part of a Federal grand jury proceedings. They can be held under section 412 of the PATRIOT Act for up to 12 months.

This amendment 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 and they are.

It is about the innocent American, again in the wrong place, at the wrong time, who gets picked up, like these innocent Japanese Americans shown in this picture who just happened to live in a certain part of the United States, in my hometown, San Francisco. But this was what happened. People were picked up and held for the duration of the war—just because of their race.

Finally, I want to quote Justice Sandra Day O'Connor, who wrote for the plurality in the Hamdi decision in 2004:

> As critical as the Government's interest 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.

So it is my hope we can clarify U.S. law to state unequivocally that the government cannot indefinitely detain American citizens or legal residents captured inside this country without trial or charge.

We live with the stain of how we treated some of our own people during World War II. It should not be repeated.

I thank the Acting President pro tempore, and I would like to yield to the distinguished Senator PAUL, if I may.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in support of the Feinstein-Lee amendment to prevent the indefinite detention of American citizens without a trial by jury. In the year 1215, the English barons gathered on the plain at Runnymede. They gathered to protest against King John. They gathered for their rights as free men. And they gathered for the right to trial by jury.

We have had it enshrined in both English law and American law for 800 years. It seems a shame to scrap it now.

People say: But these terrorists are horrible people. Yes, they are horrible people. But every day and every night in our country horrible people are accused of crimes, and they are taken to court. They have an attorney on their side. They are given a trial. People we despise, people who murder and rape, are given trials by juries. We can try and we can prosecute terrorists.

People say: But they are terrorists. Well, the thing is, you are an American citizen and you are accused of terrorism. Who is going to determine who is a terrorist and who is not a terrorist? They do not walk around with a badge. They do not walk around with a card that says: I am from al-Qaida. They will be accused of a crime, and there will be facts. Someone must judge the facts. That is what a jury does.

To give up on this because we are afraid of terrorists is to give in to the terrorists. If we give up our rights, if we relinquish our rights, haven't the terrorists then won?

Jefferson said the right to trial by jury was the ''anchor,'' it was the anchor by which we protect ''the principles of the Constitution.''

Senator La Follette, a Senator from Wisconsin, said if we give up these rights, if we are unable to protect these rights, that ultimately the Bill of Rights loses its value.

He said:

> Let no man think that we can deny civil liberty to others and retain it for ourselves. When zealot agents of the governments 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. . . .

I would ask today of my colleagues that we have a chance to replace fear with confidence—confidence that no terrorist will ever conquer us if we remain steadfast to our principles—the principles of our Founders. We have nothing to fear except our own unwillingness to protect our rights. If we relinquish our right to trial by jury, we will have given up so much. Do not let those who would instill fear let you give up the most basic of rights—a right that prevents the oppression of government and the evolution or devolution into despotism.

So I hope my colleagues will today vote to uphold an 800-year-old tradition, a tradition that is enshrined in the body of our Constitution, a tradition that is enshrined in our Bill of Rights, and a tradition that is in every constitution of all 50 States. Are we to give that up because we are fearful? We can and have convicted terrorists. We are not talking about terrorists from overseas. We are not talking about a battlefield somewhere else. We are talking about American citizens accused in our country.

Why should you be wary? The government has descriptions of who might be a terrorist. If you have 7 days' of food in your basement, you might be a terrorist. If you have weatherized ammunition, you might be a terrorist. This is what your government describes as things you should report. Know your neighbor to report your neighbor. If you have weatherized ammunition, multiple guns, food in your basement, if you like to pay by cash—if these are the characteristics for which you might be accused of terrorism, would you not, at the very least, still want to retain your right as an American citizen to a right to a trial by a jury of your peers?

I ask that we step up today and support an ancient tradition. And I worry about a country that would let a tradition like the right to trial by jury go so easily.

Thank you, Mr. President.

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

Mr. GRAHAM. Mr. President, I appreciate the opportunity. This is a good debate. It is a fascinating discussion. I guess the way I look at this issue—and we will talk with Senator LEVIN in a bit—I have been a military lawyer for about 30 years, and the first thing you do in JAG school is have a discussion about the difference between the law of war and criminal law. Every military lawyer is taught from the very beginning of their career that law of war detention is designed to neutralize the enemy and to gather intelligence about the enemy.

There is a reason that when we capture somebody in a war we do not give them a trial by jury, and we do not give them a lawyer. We have 3,000 people in American military custody in Afghanistan who were captured on the battlefield, and they are held under the law of war because we do not want to let them go back to killing us. And they are not given a lawyer because we are not trying to solve a crime; we are trying to win a war.

Here is the question to my good friend from California: I do not want anyone to believe that under the law of war construct we have created over the last 7 or 8 years that you can be put in jail because you look like a Muslim, that you sound like a Muslim, that you have got a name Mohammad. What happened to Japanese-American citizens is they were put in military custody because we were all afraid and they looked like the enemy. That was not a high point in America.

What are we talking about here? We are talking about detaining people under the law of war who are suspected of joining al-Qaida or the Taliban and engaging in a belligerent act against the United States. I want to make the record clear that some of my colleagues on the Republican side have been trying to deny law of war detention to the Obama administration, and they have openly said this: If you allow this to happen, President Obama is going to put you in jail because of political dissent.

There are people on my side who are afraid of law of war detention being in Barack Obama's hands because they think,—they hate him so much they think he is going to use a provision to protect us against an al-Qaida attack to put them in jail because they disagree with his agenda.

It gets worse. I want you to know this. There has been a statement in our conference that habeas corpus review by an independent judiciary where the intelligence community, the military, would have to prove in court by a preponderance of the evidence that the person in question has, in fact, engaged in hostilities against the United States by helping the Taliban or al-Qaida—that is the requirement of the government—they have to prove that to the judge, that is not really a check on government power because the judge could be an Obama appointee.

As much as I disagree with President Obama, as much as I think he has been a divisive President, in many ways has failed to lead, I want to disassociate myself from the concept that you cannot give this Commander in Chief the powers that Commanders in Chief have enjoyed in other wars because we hate him so much.

To my friends who get on the Internet and talk radio and stoke this paranoia, we are afraid enough for good reason. This is a dangerous world. We are about to walk off the fiscal cliff. We have people out there trying to undermine our way of life. There is a lot to be afraid of: Al-Qaida coming back to our shores, recruiting American citizens to help their endeavors. I hate to say it, in every war we have ever been in, there have been occasions when Americans joined the enemy.

In World War II that happened. You had German saboteurs land on Long Island, aided and abetted by American citizens sympathetic to the Nazis. All of those American citizens in In Re: Quirin were held in military custody and tried by the military because we have long understood that when you join the enemy, that is not a crime but an act of war.

We have very bad people who get a right to a jury trial. I will be the first one to say that when you go to court, no matter if you are the worst terrorist in the world, you will get a jury trial, you will get a lawyer, and you will have your due process rights. But the difference I am trying to inform the body of when you are fighting a war is the goal is not to prosecute people, the goal is to win. And how do you win a war? You kill them; you capture them; you interrogate them to find out what they are up to next. So I am here to say to my colleagues that the al-Qaida-Taliban efforts to do harm to our Nation are alive and growing. The narrative that al-Qaida has been decimated is a false narrative. What happened in Libya, unfortunately, is going to happen again.

I know my good friend from California, who is the chairman of the Intelligence Committee, knows there are active efforts in our own backyard—and JOE LIEBERMAN can tell you, too—to recruit American citizens to attack us—not to commit a crime, to join the enemy.

All I am suggesting is that Barack Obama and every Commander in Chief in the future needs to have the tools available to protect us against an enemy. And the basic question is: Is fighting al-Qaida fighting a crime or fighting a war? I believe with all of my heart and soul that they do not want our property, they do not want our cars, they do not want our bank accounts, they want to destroy us. They hate what we stand for. Just as in World War II, when you decided to help the Nazis, you were held in military custody because you did something other than commit a crime.

The goal here is if you capture an American citizen who has sided with the enemy that we preserve the ability of our military intelligence community to find out what they know about future attacks and present attacks. The goal of a criminal prosecution is to find justice under a criminal statute. The goal in time of war is to win.

I do not believe in torturing people to get good information, but I do believe in interrogating them for military purposes if they have sided with the enemy.

This is a great debate. But the one thing I do not want to associate myself with is as much as I may disagree with this President's agenda, there are people on my side of the aisle who are stirring up their fellow Americans, making them afraid that Barack Obama could use legitimate powers in a time of war to gather intelligence against people who sided with the enemy to come after them because they look different or they may have a different political belief. I want to disassociate myself with those on my side of the aisle who say that habeas corpus, an independent judiciary, is not an adequate check because Barack Obama may have appointed the judge. That undermines our judiciary. That creates paranoia. That creates a fundamental distrust of what I think is something we should be all proud of: America.

This war will last probably longer than most of us. It is an ideological struggle. There is no capital to conquer, like Berlin and Japan. There is no air force to shoot down. There is no navy to sink. It is about an ideology that must be contained and fought, an ideology, unfortunately, that will be attractive to some Americans as it was in other wars.

Unfortunately, as I speak today, the enemy is trying to come back to our shores and use some American citizens to further their cause. To an American citizen: Do not join al-Qaida or the Taliban. Do not turn on your country. Do not side with their view of humanity. If you do, you have not committed a crime, you have engaged in an act of war against the rest of us and we have a right to win this war. We have a right to hold you under the law of armed conflict as we have held others in the past, to find out why you joined, what you know, and what they are up to next. There is no American citizen in law of war custody. This President has not rounded up one person and put them in jail using the statute that exists today because they disagreed with him. I do not believe he will. All I am asking is that we have options available in this war that have existed in every war America has fought. Because here is my bottom-line belief, that as much as the Nazis represented a threat to humanity, al-Qaida represents an equal threat to humanity. And nobody in World War II would have entertained the idea that if you sided with the Nazis and you helped the saboteurs blow up parts of America, you should be considered anything other than an enemy who has joined the other side.

So unlike criminal law, where you are trying to find justice for victims, this is about winning a war and marginalizing the enemy. And when the enemy is able to turn one of our own, the last thing in the world we should do is deny ourselves the ability to interrogate that person in a way to help us win the war and keep us safe. That has been the law forever when it comes to war. That is the law today, that will be the law tomorrow.

I look forward to talking to Senator LEVIN, who has been a 100-percent voice of reason, to talk about authorization to use force and the ability to detain.

I will end with this thought: If you deny the ability to gather intelligence and detain, you do not want to put our troops in a position where they have to kill everybody they find. We want to capture the enemy when we can. Because when you capture the enemy, not only do you hurt the enemy, you find out a lot about what they are up to. Here is the question: If an American citizen is engaging in helping al-Qaida and the Taliban in a terrorist activity on our shores, are they the enemy? Yes, they are. We need to know about why they did what they did and what they are going to do next.

With that, I will yield.

Mrs. FEINSTEIN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 15 seconds.

Mr. LEVIN. How much time is there left on our side?

The ACTING PRESIDENT pro tempore. There is 17 minutes 24 seconds.

Mrs. FEINSTEIN. I will wait until the very end and give the distinguished chairman the opportunity.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, it would be my intent, if we need additional time, unless there is something else that is needed at about 9:30 or so when this time runs out, to seek additional time for both—for anyone who needs it, frankly. I do not know about both sides, because this is a multifaceted debate that we are going to have here tonight on this issue.

I would yield myself 10 minutes. I would ask to be notified when I get to 10 minutes.

The Feinstein amendment provides that no authorization for the use of military force may be construed to authorize the detention of U.S. citizens or lawful resident aliens who are captured inside the United States, unless—and this is a big ''unless''—an act of Congress expressly authorizes such detention.

As I read the amendment, it says the military detention of U.S. citizens may be authorized in accordance with the law of war as long as this action is expressly authorized by Congress. Further, the amendment's requirement for express authorization applies only to the detention of U.S. citizens who are captured inside the United States. So no such authorization would be required for the detention of a U.S. citizen in the course of military operations overseas. I believe it is appropriate that Congress focus on the issue of military detention at the time they authorize the use of military force, as would be required by the Feinstein amendment.

As the Supreme Court has stated: Detention is a fundamental and accepted incident to armed conflict. Without such authority, our Armed Forces could be put in the untenable position of being able to shoot to kill but not to capture and detain enemy forces.

As to the ongoing conflict, I believe the 2001 authorization for the use of military force authorized the detention of U.S. citizens when appropriate in accordance with the laws of war.

I base this view on the fact that the Supreme Court has said so.

In the Hamdi case, the Supreme Court considered the relationship between the AUMF and the nondetention act which prohibits the detention of a U.S. citizen except where authorized by an act of Congress. The Supreme Court held in Hamdi that this statute does not preclude the detention of U.S. citizens on the battlefield in Afghanistan because the 2000 authorization for the use of military force, quoting the Supreme Court, ''is explicit congressional authorization for the detention of individuals'' in such circumstances. The Court explained that such detention is so fundamental and accepted as an incident to war as to be an exercise of the ''necessary and appropriate force'' that Congress authorized the President to use in the AUMF. In other words, the Supreme Court has already concluded that the authorization to use necessary and appropriate force is an explicit authorization to detain enemy combatants in accordance with the law of war, and that meets the test of the Feinstein amendment.

Any other conclusion would lead to absurd results, under which we would tie the hands of our Armed Forces even

in the face of an actual invasion. For example, if a group of terrorists were to approach one of our Navy bases in boats loaded with bombs, our sailors protecting those ships at that base would be in the untenable position of being able to shoot to kill, but not to capture the enemy forces if Hamdi did not reach the conclusion it did.

Similarly, in the unthinkable event that we were to experience a 9/11-type attack, our military would be in the untenable position of having the authority to shoot down the hijacked aircraft but not to force them to land and to capture the enemy hijacker. Of course, we could not expect our military to inquire as to whether any of the enemy force were American citizens before deciding on the level of force to be applied.

As the Supreme Court explained in its Hamdi decision, ''the capture, detention, and trial of unlawful combatants, by 'universal agreement and practice,' are 'important incidents of war''' and a ''fundamental and accepted incident to war.''

What the Supreme Court said in Hamdi is explicit in the AUMF, in the authorization for use of military force, the core ''law of war'' authority for our military to capture and detain those who join enemy forces at a time of war and plan or participate in attacks against us. This core authority to use less than lethal force, rather than lethal force, in appropriate circumstances must be available to our military whenever and wherever it engages with the enemy.

Again, Senator FEINSTEIN's amendment does not prohibit the military detention of U.S. citizens who are captured or apprehended inside the United States because a U.S. citizen who joins a foreign army and attacks the United States should be subject to detention as an enemy combatant if it does not prohibit military detention and if it is expressly authorized by law. I read this as a statute authorizing the use of military force itself or some other act of Congress.

This is a major difference between or from the amendment Senator FEINSTEIN offered last year, which included no exception for congressional authorization. This new approach is appropriate because I believe that Congress ought to address the issue of detention of U.S. citizens when captured in the United States at the time that we authorize the use of force.

The Supreme Court in Hamdi held that the existing authorization for use of military force does address this issue and does explicitly, in their words, authorize detention of U.S. citizens in that situation which was on the battlefield in Afghanistan, but that it explicitly, again in the words of the Hamdi Court, authorized the detention of U.S. citizens in the case of an individual who was captured in Afghanistan who was attacking U.S. forces.

I believe the same reasoning applies to persons who join foreign armies and attack us militarily here in the United States when they bring the war here to the United States and attack us here. If they attack a Navy base and are captured by sailors defending their ships, the same logic that Hamdi applied to an attack in Afghanistan against our forces applies here. That is the same reason they used in that case to find that there was an explicit authorization for the detention of U.S. citizens in the Afghanistan circumstance; that it is an inherent fundamental function of war, that you be able to capture and detain people who are at war with you, applies when that act of war is carried out here in the United States, such as in the attack on a Navy base.

I request 1 additional minute.

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

Mr. LEVIN. The Feinstein amendment provides an appropriate signal to Congress that in an authorizing context they should be aware of detention authority issues. Therefore, I intend to vote for the Feinstein amendment.

I yield the floor.

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

Ms. AYOTTE. Mr. President, may I ask how much time remains on our side and on the other side?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining.

Ms. AYOTTE. There is 17 minutes remaining in opposition?

The ACTING PRESIDENT pro tempore. Yes.

Ms. AYOTTE. Mr. President, I rise to agree with my colleague Senator LEVIN, the chairman of the Armed Services Committee, in his interpretation of the Hamdi decision with regard to the review of the current amendment pending before us. The Feinstein amendment includes different language than the amendment that was brought forward and defeated in this body last year. The language says in 2(b)(1) that an authorization to use military force, a declaration of war, or any similar authority, shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States, apprehended in the United States, unless an act of Congress expressly authorizes such detention.

I do view, as does my colleague from Michigan, Senator LEVIN, the Hamdi decision that was decided before our U.S. Supreme Court as rendering an opinion that the current authorization for the use of military force that is in effect for our country gives explicit congressional authority for the detention of individuals such as in the case of Hamdi. He was an American citizen engaged in the battle against our country and would fall underneath the authorization for military force. In the Hamdi decision, the Court said that the AUMF, which has currently been approved by Congress, having the full force and effect of law, gives explicit congressional authorization for such detention.

I too believe, as Senator LEVIN has said, under that authorization, the Hamdi decision would be interpreted similarly if an individual who was a covered individual—a member who was covered by the authorization for military force but was nevertheless a United States citizen—was caught here committing an act of terrorism in this country. Our Supreme Court has already interpreted that in Hamdi in such a way. I wanted to add my support for his interpretation of the current Feinstein language in that way.

I wish also to say in response to the arguments of some of my colleagues that if the argument that is being made is this, that if you are an American citizen who is captured in this country committing an act of terrorism against our country and collaborating with al-Qaida, committing belligerent acts in this country, then you should be held under the law of war. If you are not, then we will have to give you Miranda rights. We will have to tell you you have the right to remain silent.

Let me remind you, in those situations, can you imagine if an American citizen had been one of the collaborators of 9/11, would we want to tell a member of someone who had committed an act like 9/11 against us—an act of war against this country—the first thing you hear is you have the right to be silent? Our goal is we have to be there to gather intelligence to see if there is another attack coming. Is it coming to the Pentagon, is it coming to the White House, is it coming to that second tower? Then we can protect American lives.

That is the difference between war and common crime. That is an important distinction that has been recognized long before—with all respect to my colleague from Kentucky—in World War II in In Re: Quirin. Our U.S. Supreme Court in World War II recognized this authority, the difference between the law of war. In that case an American citizen who collaborated with the Nazis was held under the law of war because our country was at war.

I would also wish to point out that this would only cover under the current law authorized by this Congress. It would not apply to someone who is holding ammunition or someone who is paying with cash. It only applies to a person who has planned, authorized, committed, or aided the terrorist attack that occurred on 9/11 or harbored those responsible for the attacks, or a person who has a part or substantially supported al-Qaida, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partner, including any person who has committed a belligerent act or directly supported such hostilities in aid of enemy forces against our country.

That is very different than some of the examples that were cited here. It is

called being a member of al-Qaida, being involved in September 11, being a member of the Taliban and committing belligerent acts against this country. That is terrorism.

Let me point out what I think is the most absurd distinction of all. This is Anwar al-Awlaki. He is someone who is a U.S. citizen. He is someone who was an influential leader in al-Qaida in the Arabian Peninsula. He advocated for violent jihad. He was involved in a dozen terror investigations. He was alleged to be involved in killing Americans and collaborating to kill our allies. On September 30, 2011, it was reported that al-Awlaki was killed by the CIA in a drone strike in Yemen. Yet it is being interpreted, as we have heard by some of my colleagues represented here, if the Feinstein amendment were interpreted the way they have interpreted, if al-Awlaki made it to America to commit these terrorist acts, he gets his Miranda rights. He gets all his rights here. But yet if he is in Yemen to do these acts, to try to kill Americans and our allies, then we can use a drone attack to him. But if he makes it to America—which, by the way, the terrorists want to make it to America; 9/11 is Exhibit A of that—why do we want to be in a position to read them their Miranda rights, tell them you have the right to remain silent? Our priority there has to be protecting American lives. That is the distinction between the law of war and a common criminal in this country.

By the way, there are protections under the law. It is the right of habeas corpus where you do have a right to challenge your detention before the Federal court through appeals with counsel. That is certainly a protection that we have respected in this country for a long time.

Mr. President, I yield the floor.

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

Mr. GRAHAM. Mr. President, I would like to inform the body that I think Senator LEVIN's understanding and reasoning is incredibly sound. We have actually been talking about this for a couple of days. And in light of the Hamdi decision and just plain old common sense, I will support the Feinstein amendment.

I will be the first to say that if we are attacked by the Iranians tomorrow or some other group, we have an authorization to use force. Senator LEVIN and I will be the first to say in that authorization that it will provide that if an American citizen joins the Iranians in a war against America, they can be detained under the law of war.

Now, you can vote however you like. I know how I will vote. But this has already gone up to the Supreme Court. And if I can build on what Senator LEVIN said as to the logic of the Court and I think the logic of our position, let's get us back to the United States. I don't think anybody in their right mind would say the United States is not part of the battlefield in the war on terror. I would suggest that of all the places the enemy wants to hit us, they want to hit us here at home the most. Their goal is to kill us here. They will kill us in Libya, they will kill us in Afghanistan, they will attack our consulates, they will kill our soldiers, they will blow up our embassies, they will hit us all over the world, but don't be misled—they want to hit us here. Remember 9/11? I do. I am sure you all do.

You know what. The only reason we haven't had another 9/11 is we have been fighting these bastards over there, where we have been getting good intelligence. It took a couple of years before any of the people held at Guantanamo Bay told us what was going on, but we found out about bin Laden—and not because we tortured people but because we put the intelligence puzzle together over time by holding people under the law of war and gathering good intelligence. That is how we got bin Laden. So bin Laden is dead, but the war is not over. I wish it were.

Now, the homeland. If there is a planned attack on a Navy vessel or a military installation, I think the point Senator LEVIN was making is that we have already authorized the use of force to protect the country against the Taliban and al-Qaida; is that right?

Mr. LEVIN. That is my opinion, and that is the fundamental core ruling in the Hamdi case. Now, we have to be accurate. Hamdi applied circumstances to citizens that were captured in Afghanistan, but the reason they use led them to conclude there was an explicit—explicit—authorization to detain those citizens even though they are American citizens. Their argument was that capture and detention was inherent, in their words—so fundamental—to capture and detain as such is an accepted incident to war as to be an exercise of the necessary and appropriate force which Congress authorized the President to use.

So in my analogy, if a boatload full of al-Qaida, including an American citizen, comes to a Navy base and attacks that base and is captured by those sailors, that is surely an incident of war, and I believe the capture and detention of those al-Qaida terrorists would be the exercise of necessary and appropriate force which we authorized the President to use in the authorization for military force.

Mr. GRAHAM. I want to build on that just to make sure we understand about a potential attack on a Navy base here at home. No one is suggesting the military could not use force against an al-Qaida attack here at home. The Hamdi case was an American citizen captured in Afghanistan. I hope we are not trying to create a picture that somehow America is a place where our own military cannot fire a shot in defense of their ships or our country.

Let's say we have some ships up there in Virginia and we have a boatload of al-Qaida types trying to ram the ship. Does the Senator agree with me that our military can use force to defend us here at home against al-Qaida?

Mr. LEVIN. That is correct.

Mr. GRAHAM. So if our military is authorized to use force, they do not have to call the FBI or the Virginia State Police to shoot. They can shoot against an enemy themselves coming at them in America.

Mr. LEVIN. Coming into America and attacking us on a Navy base or——

Mr. GRAHAM. Right. Because we are not fighting a crime. We don't have to disarm our military and call the local cops and say: Would you please shoot these people before they get here? No. Our guys are going to shoot you. If you are an American citizen asked to get in a boat and asked to attack a military ship or installation in the United States, we are going to shoot you, and if we wound you, we are going to capture you. And here is what we are going to do to you as an incident of using force. The Supreme Court has said that when you authorize the use of force, it makes no sense to give that authorization if you don't have the power to detain because the worst thing you can do to the American military is to make them kill everybody and capture no one or let the other guys go. So kill-them-all is not good policy, and it is a bad spot to put your military in. And the option shouldn't be to kill them all or let them all go; the option should be to kill where you have to and, if you can, capture. Does the Senator agree with that?

Mr. LEVIN. I do.

Mr. GRAHAM. And our military can fire the shots because of the use of force to defend the homeland and to defend themselves here at home. And the Supreme Court says that once you authorize the ability to use force, it just follows, as night follows day, that detention is part of the ability to use force because, ladies and gentlemen, if it is not, you have turned our military into murderers because you are not supposed to shoot somebody and leave them wounded in the water, and you shouldn't watch them swim away. You capture them and interrogate them under the law of war. Isn't that what Hamdi is about and the point they are trying to make?

Mr. LEVIN. It is. As part of that point, it cites the Quirin case, which says:

> Citizenship in the United States of an enemy belligerent does not relieve him from the consequences of a belligerency which is unlawful because in violation of the law of war.

And here are the key words:

> Citizens who associate themselves with the military arm of an enemy government, and with its aid, guidance and direction enter this country bent on hostile acts, are enemy belligerents within the meaning of the Hague Convention.

Mr. GRAHAM. I will read another quote from Hamdi.

> There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Hamdi's detention could last for the rest of his life because the law of war detention can last for the duration of the relevant conflict.

Here is what we are trying to do. We are trying to create a system consistent with the Hamdi decision, and quite frankly, ladies and gentlemen, what I am trying to avoid is the criminal paradigm because I know the difference between criminal law and law of war. Under the law of war, you can detain somebody for interrogation to find out what the enemy is up to if you believe that person to be part of the enemy.

And let me tell my friends, I do not want to take our criminal justice system and bastardize it. During the Bush years when we had the military commission rollout, they had a provision that in a military commission trial, the military jury could be given classified information but not share it with the defendant. I said: No. If a trial means anything, it means the right to confront those witnesses against you. I jealously guard that. The worst al-Qaida member in the world, when they go on trial in military commissions, will have a lawyer, a right to appeal to our Supreme Court, and will be able to confront every witness against them. An American citizen who joins al-Qaida or the Taliban will be tried in Federal court because we took military commissions off the table. That is the trial.

Here is the main point: If you are allowing our military to use force to protect themselves, as Hamdi says, it naturally follows that with the use of force comes the lawful detention. And that is why I will be voting for Feinstein. I think that is where most Americans are. If there is any confusion, we can talk about this in conference.

But, Senator LEVIN, I want to thank you for—since 2006—working with me and against me. You know, our dispute about what would be an active substitute for habeas went to the Supreme Court, and you won 5 to 4. Damn those Justices, but that is the way it goes. And you know what. There were some Republicans and Democrats who disagreed with me and you both. But I respect an independent judiciary, and I know Justice Roberts kind of got some people mad at him because of the ObamaCare decision, but that is the way it goes. That is the way these old judges are. I just really appreciate an independent judiciary.

I just want to say that after that decision in 2006 or 2007, how much of a pleasure it has been to work with you and others to try to find a way to achieve a balance in a war that is hard to understand. There is no capital to conquer, no airplanes to shoot down in terms of their jet fighters, there is no navy to sink, but they use boats to attack us and they use private planes to kill us. At the end of the day, we are at war. The outcome does matter, and I want to win this war. I know everybody in this body wants to win this war. But I want to live within our values.

So I will work with Senator LEVIN and Senator MCCAIN and say that even though we are fighting the worst people on the planet, count me out when it comes to waterboarding. I remember when people on my side would say—and I understand them very well—why do you care about what we do to these people? They will cut our heads off.

Because we are Americans. It is not necessary to go down that road to win the war. And quite frankly, ladies and gentlemen, the opposite is true. You can't win this war if you don't realize you are in a war. We are not fighting common crime, we are fighting a vicious enemy. And we can do it within our values. We can do it within due process consistent with the law of war and, when we get in that criminal arena, consistent with criminal law.

As much as I disagree with this President, I will not deny him the ability that every Commander in Chief has had for decades as an option, if he chooses to use it. And if you want to go down the criminal road, we can, but we need the option. As much as I dislike President Obama, I am not going to use as a reason to change the law of war that Barack Obama may put some people in jail who disagree with him, and I am not going to buy into some of the rhetoric coming out of our side that a habeas corpus independent judiciary view means nothing if Obama appointed the judge. We are better than that.

I stand ready to vote for Feinstein, I stand ready to work with my colleagues to continue to find a way to fight and win a war within our values, the outcome of which will matter not only to us but those who follow.

God bless every person on the front line who is risking their life at home and abroad. And here is what you have as a promise between Senator LEVIN and myself and many others: We are going to give you the tools to keep us safe and to keep your comrades safe. We are not going to do things in this war that made no sense in other wars. You need our help, you need our prayers, and you need the tools to fight and win this war, and we will give you those tools.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, even though my colleagues sometimes appear to have disdain for the trial by jury, it now appears they are supporting the right to trial by jury, and so I congratulate them on their conversion. However, I think they are still a little confused on Hamdi.

Hamdi had to do with a citizen fighting overseas and nothing to do with a citizen here. I have great confidence that the Supreme Court, given a ruling on the right to trial by jury, will affirm the right to trial by jury whether they were appointed by Ronald Reagan or President Obama. So we will have that fight on another day.

I will say, though, that our oath of office says we will defend the Constitution against enemies foreign and domestic.

I met with cadets this week and they asked me, What is the freedom we fight for? The freedom we fight for is the Bill of Rights, is the Constitution. If we have careless disregard for the Constitution, what are we fighting for?

I will tell you, since I know the record of this debate will be widely read, I want to make formal objection to the crazy bastard standard. I don't think if we are going to have a crazy bastard standard that we shouldn't have a right to trial by jury. Because if we are going to lock up all the crazy bastards, for goodness sake, would you not want, if you are a crazy bastard, to have a right to trial by jury?

I think this is a very serious debate and should not be made frivolous. This is an ancient right that we have defended for 800 years. To say that habeas is due process is absurd. It is the beginning of due process. If you don't have a right to trial by jury, you do not have due process. You do not have a constitution. What are you fighting against and for if you throw the Constitution out, if you throw the sixth amendment out? It is in the body of our Constitution. It is in the Bill of Rights. It is in every Constitution in the United States. Trial by jury has been a longstanding and ancient and noble right. Let's not scrap it now.

I will accept victory today. I hope we will win victory and reaffirm the right to trial by jury. But let's don't play any games with any aspect and believe that any Supreme Court in the United States, whether appointed by Republican or Democrat, is going to say that an American citizen does not have a right to trial by jury.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. If Mr. President could tell me what the respective times for either side in this amendment are?

The ACTING PRESIDENT pro tempore. The opposition time has expired. Proponents have 6 minutes remaining.

Mr. LEVIN. If the Senator would yield.

Mrs. FEINSTEIN. I will.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. We are significantly over our time, I believe. We would be happy to accommodate Senator FEINSTEIN or others.

Mrs. FEINSTEIN. I just wanted to thank everybody. I think we had a good debate. I think we ended in a good place. I am very hopeful that the body will pass this now by a large majority. So I hope we are successful tonight in achieving something that hasn't been achieved for decades.

I want to thank everybody, our cosponsors, the chairman of the committee, and Senator GRAHAM for the debate.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, that was a good debate. Senator FEINSTEIN

is always gracious and alert and smart in her arguments.

I want to say one thing that is not in doubt. Some of my colleagues—I think Senator PAUL and others—have suggested that somehow the law of the United States has been changed in recent years, and we need the Feinstein amendment to fix it and restore the constitutional rights we are all entitled to.

What I want to say, without any doubt and I think any fear of real contradiction, is this amendment alters the history of the United States, alters the long-term understanding of the rules of war, and places American citizens in a position where they cannot be treated effectively as an enemy of the state and detained, and actually be in a position to be released to continue their war against the United States. I think that is a bad policy.

I agree with Senators LEVIN, AYOTTE, and others who share their view. I am not quite able to understand—and I am not sure Senator FEINSTEIN does—that this therefore establishes through understandings of Hamdi and the Supreme Court decision that therefore we can vote for it. I don't think it is the right step. I don't think we should alter the historical position of the United States that those who are at war with the United States are not treated as criminals. Southerners who were captured by Lincoln weren't released. When Washington dealt with the Whiskey Rebellion, he sent out Alexander Hamilton. They weren't given Miranda rights. They went out there to stop the rebellion. They were citizens. That is the way I feel about it.

AMENDMENT NO. 3009

Mr. SESSIONS. Mr. President, I ask unanimous consent to set aside the pending business and call up amendment No. 3009.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object, I am wondering if the Senator from Alabama would repeat the request.

Mr. SESSIONS. I wish to set aside the pending amendment and call up amendment No. 3009. I understand it would not be voted on tonight, but I wish to get it pending.

Mr. LEVIN. I wonder if the Senator would speak on the amendment, though, without calling up the amendment.

Mr. SESSIONS. I would be glad to, if the chairman thinks it won't be a problem calling it up at a later date.

Mr. LEVIN. I hope not. I don't even know what is in the amendment. But we are trying to accommodate the process where everybody could have a chance, hopefully, to call up their amendments. We have to do it in order where we know what is in the amendment, we have to have our staffs have an opportunity to make sure we understand what is in the amendment. We are working on this amendment. So I have no objection whatever to the Senator talking about the amendment. We are working hard on the amendment to get it in order.

Mr. SESSIONS. It has been conveyed to the Senator's staff.

Mr. LEVIN. And we are working on it. But if the Senator could just not proceed to call it up but speak to it, we would appreciate it.

Mr. SESSIONS. Mr. President, I withdraw the offer of calling up that amendment and my request to set aside the pending amendment, but I would share some thoughts about it.

The amendment deals with the ability of the Congress of the United States to review any bilateral security agreement with Afghanistan.

Congress was not consulted regarding the framework or the substance of the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan that was signed on May 1, 2012. This agreement commits the United States to establishing a long-term bilateral security agreement with Afghanistan. In the past, Congress has been consulted and has sometimes provided its advice and consent to the ratification of these type agreements.

The strategic partnership agreement, already signed by President Obama, is a legally binding agreement that committed the United States to various policies including those related to the drawdown of U.S. forces in Afghanistan. It is broad and vague, and any further agreements entered into by the President that are based upon it should be reviewed by the appropriate congressional committees.

The President and the Secretary of Defense have stated that the United States continues to fight in Afghanistan to defeat al-Qaida. While the authorization of military force authorizes the President to use any means necessary to prevent any acts of terrorism against the United States, his authority to enter into bilateral security agreements with Afghanistan should be looked at and reviewed at least by Congress.

The bilateral security agreement will supersede not only the strategic partnership agreement—so this will be the bilateral security agreement—but additional memoranda of understanding related to special operations in Afghanistan and detainee transfers will be part of this agreement. The issues addressed in the forthcoming bilateral security agreement are too important not to require congressional review.

The amendment would require the President to submit any proposed bilateral security agreement to the appropriate congressional committees 30 days before entering into the agreement. This is not unreasonable. Congress is exercising its role of oversight before the President makes long-term commitments that have significant ramifications from the size of forces that we commit to the legal authority of our commanders. So this will be a final agreement that will impact quite significantly the commitment—financially, militarily, and in blood—the human support of our members.

There is a history behind these SOFA agreements. The Senate approved the NATO Status of Forces Agreement. We actually voted on it and approved it in advance. A formal treaty was used as an underlying source of authority for a Status of Forces Agreement on seven different occasions: Australia, Guatemala, Haiti, Honduras, Japan, Korea, and the Philippines. Congress has voted and approved Status of Forces Agreements three additional times: Marshall Islands, Micronesia, and Palau.

I hope Senator WEBB is able to come over tonight. He has raised his concerns about this, and expressed concern in the Armed Services Committee that the Afghani and the Iraqi Parliaments vote on the Status of Forces Agreement, but our Congress is not voting on the Status of Forces Agreement. Senator WEBB is a cosponsor of this amendment. And just to have that agreement, the full and complete agreement that commits the United States to be fully reported to the Congress of the United States I don't think is too much to ask. Right now, we don't have any indication that would happen, and there is some opposition to it. But why would that be a problem? Why would the administration not want Congress to know what our commitments are and what we would be expected to support?

I believe it is a good amendment. Hopefully we can get it moved forward and maybe accepted; but, if not, by vote. I think we could handle it. I don't think it should cause the objection that some see in it. This does not require that the Congress have a right to vote to reject the amendment or approve the amendment. It simply says the agreement that is entered into, the SOFA, has to be produced promptly to the Congress. I think that is a reasonable position, and I ask my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I think it is time to explain amendment No. 3025 that I hope I will be able to call up shortly, knowing full well that our schedule might get difficult when these amendments are brought up at a later point.

My amendment would strike section 341 of the fiscal year 2013 National Defense Authorization Act. It included language that would arbitrarily require the Secretary of Defense to cut the civilian and contractor workforce to achieve equal savings as they achieve from planned reductions in the military personnel for fiscal year 2012 through 2017.

This provision does not consider the work requirements of the Department nor the law that states:

The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1)

the workload required to carry out the functions and activities of the department.

What that means is that when we consider the number of civilian personnel needed by the Department of Defense, we look at the mission they need to accomplish and we look at the budget support. That is how those decisions have been made.

My amendment would strike the current section 341 that is in the committee draft and reaffirms the civilian manpower requirements by stating the following: The Secretary of Defense, consistent with longstanding law—which was expanded in a bipartisan effort in the fiscal year 2012 NDAA bill—ensures that the civilian workforce is sufficiently sized—a term copied from 10 USC 129a)—after taking into account military strategy requirements and military endstrength.

The Comptroller General is required to report back to the Congress whether the Department is compliant with the law.

I am pleased this amendment is cosponsored by Senators AKAKA, BOXER, BEGICH, BROWN of Ohio, DURBIN, HARKIN, LEAHY, MIKULSKI, MCCASKILL, and TESTER.

I might point out that there is no such provision included in the House NDAA.

I would like to note what this amendment does not do. It would not prevent the Department of Defense from downsizing the civilian workforce. Indeed, according to the House Armed Services Committee, the Department is already reducing its civilian workforce by over 10,000 positions in fiscal year 2012 alone. It would not treat service contractors any differently than civilian employees.

The goal of this amendment is pretty simple. It would reaffirm the law that prohibits DOD from managing its civilian workforce by arbitrary constraints. That is what this provision that I am asking to be stricken by my amendment would do. It would set caps and cuts. Downsizing is inevitable but be consistent with the law. It should be based on a workload analysis and the budgets that are provided through the congressional process.

This would repudiate the notion that what happens in one department's workforce automatically affects the other. The way the language came out from the committee, regardless of the needs of our civilian missions within the Department of Defense, its cut would be tied to the military side and the contractors would also be affected. It should be based upon their vision. It should be based upon their budget. There should not be arbitrary provisions.

Proponents of section 341 would insist that the civilian workforce should be automatically reduced by approximately 5 percent because the Obama administration would reduce the military workforce by approximately 5 percent. They are different missions, different priorities; they need to be judged based upon their respective priorities and missions.

Earlier today the administration released a Statement of Administration Policy that clearly rejects the current section 341 of the bill. I am quoting from the administration's statement of policy:

> The Administration objects to section 341, which would reduce funding for the civilian and contractor workforce by a rate that is at least equal to the percentage of funding saved from the planned reductions of military personnel end strength. This would require savings in civilian and contract workforces in excess of $5 billion over the planned savings through FY 2017. The Administration believes the size of the civilian workforce should be determined based on workload and funding, not on arbitrary comparisons to the military. To comply with this legislation, the Department would need to significantly divest workload and impose workforce caps.

What the committee did—I don't know if it was intentional or not—what the committee did, they imposed their own sequestration order on the civilian and contractor workforce within DOD. That makes no sense whatsoever. Everyone here has been outspoken that it is wrong to do these across-the-board cuts that have nothing to do with priority or mission. My amendment would strike that provision from the committee bill. It would substitute instead law that requires that the workforce be determined by mission and budget. It does not at all prevent us from downsizing. We all know we have to downsize, and the budget downsizes the civilian and contractor workforce. But we should not be setting arbitrary caps within what we have already done through the review and budget process.

I am pleased that this amendment is supported by many of the groups directly impacted by the decisions here. When I have a chance to offer this amendment, I will urge my colleagues to support the amendment so we can correct this provision in the bill, which I think allows us to comply with current law, protect the mission of the Department of Defense, and establish priorities in the way we should, not by arbitrary caps.

I yield the floor.

AMENDMENT NO. 3199

Mr. INHOFE. Mr. President, I have been attempting to contact the primary author of amendment No. 3199, Senator DURBIN. Let me first of all ask unanimous consent that I be added, if I am not already, as original cosponsor to the amendment No. 3199.

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

Mr. INHOFE. Mr. President, I think it is interesting that this amendment is coming up at this time. It is a matter of just a couple of hours ago that we passed an amendment on this floor extending our effort and policy against the LRA, the Lord's Resistance Army, and that is Joseph Kony, the individual who for now over 20 years has been abducting young people, training them, taking them up and forcing them to go out and fight with the LRA. If they did not do it, they would have to go home and murder their own family. It has been just horrible. We are making great progress now. I spent a lot of time primarily in Uganda where this all began, and it looks now as though we are getting closer to doing that.

The reason I am interested in amendment No. 3199 by Senator DURBIN and am supporting it is because a very similar thing is going on right now. I happen to have spent some time in the eastern part of the Congo, where I have seen the rise of another individual, Colonel Makenga. He is very much like Joseph Kony. In fact, he is training the young people, young kids to be fighters. We all know about the effort out there with what they call the rebel leader of M23. That is very similar to what is happening up in Uganda. In fact, the Uganda effort and the LRA effort were very prominent, actually, in eastern Congo, the same place where this—and I suspected myself that there is a relationship between the two efforts. So I strongly support that.

I want to say one thing, though. I have strong feelings about this, and I want to get it on the record, and I would like to have my comments placed in the RECORD at the time this amendment comes up for consideration.

A lot of people were feeling that one of the problems with the M23 leaders came from Rwanda itself. At some time, they talked about President Kagame, President Paul Kagame, as if there were a relationship between this butcher over there, Colonel Makenga, and President Kagame. There is no relationship whatsoever. In fact, President Kagame rejects what this rebel leader is trying to do.

I had occasion to spend some time with Louise Mushikiwabo, who is the Foreign Affairs Minister for the Republic of Rwanda. I was with her. I have her picture right here. I was with her recently, and she gave us the assurance that the President, President Paul Kagame, is just as adamant about doing away with this rebel leader, Colonel Makenga, of the M23 rebel movement. I am happy to join in with this. I wanted to make sure I have my assurance in this that there is no relationship between this rebel movement and the President of Rwanda.

I yield the floor. I see the author of this amendment is on the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Illinois.

Mr. DURBIN. I thank my colleague from Oklahoma. Many of my other colleagues may not be aware of his interest and dedication to the continent of Africa. He has traveled there probably as much if not more than any other Member of the Senate. It has been a great opportunity, experience, and education for me to travel there over the years, but my few visits do not come close to the commitment that has been made by the Senator from Oklahoma. I

greatly respect his knowledge of the area and appreciate his cosponsorship of the amendment which is pending which we hope will be cleared.

I have been to eastern Congo twice, 2005 and 2010—Goma. Goma is one of those places you will never forget once you visit them. This is one of the poorest places on Earth. You see the poverty in every direction. You see the disease. You see the victims of war in every direction because there has been an ongoing war in this part of the world which literally rivals some of the great wars of our history in terms of the innocent people who have been killed, maimed, raped, and have suffered displacement. On top of all of these things in Goma is an active volcano that erupted not that many years ago, covering this poor, godforsaken part of the world with lava. It troubles me to go there and see the suffering that goes on every day.

The ongoing war that is taking place—the rebel groups, M23—have now taken over sections of eastern Congo. Eastern Congo is known as the rape capital of the world. One of the tactics of war is to rape the women of any age in front of their families and then force these women, many times, to kill other members of the family who have witnessed it. They estimate that regional war and rape leave an estimated 1,000 or more women assaulted every day in the Congo. Twelve percent of all Congolese women have been victimized by this. I met some in a hospital called Heal Africa.

There is a population of 8 million people, and Heal Africa is the only hospital in the area that offers any antiretroviral drugs for children with HIV and surgery to repair the bodies of these traumatized women. Heal Africa's cofounder, Lyn Lusi, passed away this past March. What a saint she was. While her death was a terrible loss, Heal Africa and other organizations continue to carry on her vision, including many American medical students who go there to volunteer. God bless them. There was a delegation from Purdue University there when I visited, and many others have followed.

The Rwandan genocide has been the root cause of many of the problems, as well as a weak government in Congo. Eastern Congo is virtually on its own, with very little governance or protection, and criminals run rampant.

Dr. Denis Mukwege runs another hospital in Bukavu, the capital of South Kivu province.

Panzi Hospital is a one-story building on a tree-lined, dirt road. It receives about 10 new rape cases a day, every day. And that is only the tip of the iceberg, since most rape survivors never seek treatment.

The victims range in age from 2 to 80 years old. Dr. Mukwege says they arrive ''broken, waiting for death, hiding their faces.''

Last month armed gunmen attacked this genuine hero at his home, murdering his guard and shooting at him, likely because of a strong speech he gave at the United Nations last month, denouncing mass rape and impunity in Congo.

The United Nations has a 20,000 member peacekeeping force in eastern Congo to help the region's violence—but the area is still very fragile, awash in weapons, warlords, and competing regional interests. It is also rich in valuable minerals that are found in our everyday electronic and other products.

It has been said that the Congo war contains ''wars within wars''—and that is true. But fueling much of the violence is a bloody contest for control of these vast mineral resources.

In the last Congress I was proud to join in a bipartisan effort with Senators BROWNBACK, FEINGOLD, DODD, JOHNSON, and others to try to prevent the country's mineral wealth from fueling the region's horrific violence.

The bill we eventually passed included a simple transparency requirement—if a company registered in the United States uses any of a small list of key minerals from Congo or its neighbors, then it has to disclose in its SEC filings what, if anything, it is doing to prevent the mineral purchases from funding the region's violence.

I was happy to see that in August, the Securities and Exchange Commission approved a rule based on this legislation. It is a sound and fair rule, so you can imagine my disappointment that the National Association of Manufactures has already started a legal challenge to this modest provision. I appeal to the conscience of the CEOs of these companies in America to do their part to help end this violence that is going on in Congo. Please stop fighting this simple provision so we can trace these minerals and stop the exploitation of these poor people.

Last week a well-armed group of rebels calling themselves M23 overran and occupied the key city of Goma in eastern Congo. These rebels have threatened to continue their incursions and set a course for Kinshasa, Congo's capital in the west. They have created a new wave of fleeing refugees in need of clean water, food, and shelter. This move was condemned by the U.N. Security Council, which expressed deep concerns about M23. These rebels are known for brutal violence. This is a photograph of a little baby being passed into a truck hopefully, to safety—a victim of the violence going on by the M23 rebels who have taken over this part of the Congo. Some of my colleagues may have seen this tragic photo in Monday's New York Times. This baby is being hoisted into a packed truck while his family is trying to get out. Even more troubling is that there is considerable evidence that these rebels have and are continuing to receive strategic and materiel support from neighboring Rwanda, just as Senator INHOFE mentioned on the Senate floor, and potentially from Uganda as well. News reports indicate that the M23 rebels have access to night vision goggles and other equipment they never had before, indicative of significant assistance from the well-supplied Rwandan Army. We have seen reports that the Rwandan Army crossed the border working side-by-side with these rebels.

A Congolese regional governor, Julien Paluku, stated that the Rwandan Army entered his province behind the M23 rebels and forced the Congolese military to flee. Human Rights Watch has corroborated these reports and has independently confirmed the Rwandan Government's role.

There was some hope that the leaders of Congo, Rwanda, and Uganda would meet last week and find a way to end this violence. Yet it didn't occur. It appears Rwandan President Kagame did not attend as he had once promised.

Rwanda is a friend of the United States. I have visited President Kagame and I have been to Rwanda. It has certainly been through its share of suffering during the genocide in 1994. It helped in peacekeeping efforts in Sudan. With that kind of leadership, though, comes an important responsibility. No one in Rwanda or any country will benefit from a collapsed Congo in which the rebels hold large swaths of territory and these impoverished people at gunpoint. I urge Rwanda to rein in the M23 rebels and work with its regional neighbors to bring stability to eastern Congo.

To make sure this happens, Senators BOOZMAN, BOXER, COONS—let me get the entire list because I am proud they have joined me in this effort—BROWN of Ohio, CARDIN, and now Senator INHOFE have joined me in filing an amendment to this Defense authorization bill that would impose an asset freeze and visa ban on any outside parties who are providing support to the M23 rebels, an amendment I urge my friends, Senators LEVIN and MCCAIN, to accept.

I hope such sanctions will not be needed and that wiser heads prevail. The people of eastern Congo have suffered long enough.

I know Senator LEVIN is working for the approval of this amendment. I sincerely hope it can be done before the end of the evening. I am going to at this point yield the floor in the hopes that we can bring this to a positive conclusion.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me compliment Senator DURBIN for his concern for this activity that is going on there. I wish to clarify the record because I have had personal conversations with the President and with many members of the staff and good friends over there.

Africa is a little bit different than other areas. Sometimes there can be rebel groups within a country that are doing something people attribute to a country. In this case, that isn't true with Rwanda. In the case of Rwanda, if they say that some of the Rwandan

military was supporting the M23 movement, that would not be with the authority or the knowledge even of President Kagame himself and his administration. I want to make sure to clarify that.

Also, I want to mention, the area of Goma that the Senator from Illinois is talking about is something that a lot of people are not—they don't understand what that is. Goma is in the far eastern part of Congo. The capital is Kinshasa. It is further from Kinshasa to Goma than it is, of course, all the way across this country twice. So we are talking about an area where there is not much control.

It happens that Robert Ruberwa, Parliamentarian Ruberwa, is the one who is responsible for that area. The way it is working there, they don't have any control over there. This is a rebel movement.

The reason I say I believe, and I have always believed, that there is a relationship between the LRA and the M23 is because I was over there when the LRA had just left. We were hoping to be there at the same time. It was a matter of a couple of days before. They went north up through the Central African Republic and up through south Sudan, over to Uganda, where they originally started. That is the same area and the same motive, the same way of operating as M23.

They are abducting little kids. People don't realize this. They abduct little kids and teach them how to use weapons and make them go back to their villages, murder their parents and their siblings, and if they don't do that, they cut their noses off and their ears off. We have pictures. We have seen this happen.

I am pleased that we have adopted as a policy of this country to intervene.

Let's keep in mind, we have a war against terrorists. These are terrorists and this has spread throughout—starting actually more in the Horn of Africa, Djibouti, and then moving down into the continent. This is the type of terrorism that comes from it. I consider this as a part of that war.

But I do want to emphasize that the accusation that Rwanda and their leadership, specifically President Kagame—let's remember what happened with Paul Kagame. He was the one back during the genocide of 1994 who was able to come in and pull everybody together. A lot of the rebels went to the west out in Rwanda and went into the eastern part of Congo. We know that is right. But they have been rejected. There is no accusation that there is even a relationship there. But I hope people realize we do have some great Presidents throughout the continent of Africa, and he is one of them. It is a difficult situation there. It is one on which we need to focus our attention.

By the way, I would say I don't believe it has been cleared on our side. It would be with me, but it hasn't happened yet, and we hope to work in that direction so we can take this up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the filing deadline for first-degree amendments to S. 3254, the Department of Defense authorization bill, be set at 9:45 tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, 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. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand that amendment No. 3199, an amendment of Senators Durbin and Inhofe, has now been cleared on both sides. So I ask unanimous consent that this amendment now be called up and considered.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3199.

Mr. LEVIN. 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 impose sanctions with respect to persons that provide significant financial, material, or technological support to the rebel group known as M23 operating in the Democratic Republic of the Congo)

At the end of subtitle D of title XII, add the following:

SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term ''M23'' refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

Mr. LEVIN. I know of no further debate.

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

The amendment (No. 3199) was agreed to.

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

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

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

Mr. LEVIN. Mr. President, let me thank Senators DURBIN and INHOFE for again focusing on a critical issue. I know Africa seems far away and some of these events seem far away, but they have tried to bring them home to us and, hopefully, we will be listening, all of us, to what they have accomplished and what they have done tonight. I hope the American people realize the importance of this issue and that the message will be clear to those who are violating civil rights so horrendously.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). 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 (Mr. BROWN of Ohio). Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3245

Under the previous order, the question is on agreeing to amendment No.

3245 offered by the Senator from New Hampshire.

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 clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—54

Alexander	Grassley	Moran
Ayotte	Hagan	Murkowski
Barrasso	Hatch	Nelson (NE)
Baucus	Hoeven	Paul
Blunt	Hutchison	Portman
Boozman	Inhofe	Pryor
Brown (MA)	Inouye	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Cochran	Landrieu	Snowe
Collins	Lee	Stabenow
Corker	Lieberman	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
Enzi	McCain	Webb
Graham	McConnell	Wicker

NAYS—41

Akaka	Feinstein	Mikulski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (FL)
Bingaman	Harkin	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Whitehouse
Durbin	Merkley	

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	Rockefeller	

The amendment (No. 3245) was agreed to.

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

Ms. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CORNYN. Mr. President, tonight the Senate will vote on an amendment offered by the senior Senator from California that affects the lawful authority of the U.S. military to detain enemy belligerents during wartime. This issue is necessarily complicated and difficult because the universe of detainees at issue includes U.S. citizens who are captured on American soil while taking up arms against their fellow citizens in the name of a foreign power or global terrorist organization.

This is not an abstract issue. The U.S. homeland remains a target for al Qaida terrorists, who hide among civilian populations and have successfully recruited our fellow citizens to carry out acts of terrorism.

Some of my colleagues contend that U.S. citizens forfeit their citizenship when they commit terrorist acts or acts of war against their fellow citizens but that they nevertheless should be tried and treated as common criminals with all of the attendant constitutional rights. Others believe that U.S. citizen-enemy combatants forfeit their constitutional rights altogether and can be detained indefinitely by the military without any judicial review.

I respectfully reject both of these positions. It is entirely consistent with both the Constitution and laws of war for the U.S. military to detain such individuals pursuant to a force authorization or war resolution until the cessation of hostilities. To be sure, there is historical precedent for this proposition. What is critical to remember and too often seems to be omitted from this debate is that a U.S. citizen or any other person lawfully inside our nation's borders—who is detained by our military does not forfeit their rights to habeas corpus review in a Federal court. In other words, they retain the constitutional right to challenge their detention before an impartial civilian judge.

The Supreme Court has noted that the ''writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.'' And, in fact, a citizen's right to habeas corpus extends all of the way to review by the U.S. Supreme Court, the highest Court in the land.

In closing, what I find so confounding about this debate is the fact that groups like the American Civil Liberties Union, ACLU, Human Rights Watch, and Amnesty International have urged the Senate to reject the Feinstein amendment. These groups have said that a vote against the Feinstein amendment would send a clear message about our commitment to constitutional rights. I respect the views and passion of these groups but would urge a vote against the amendment for a different reason: namely, I believe that we can keep faith with the Constitution and maintain the global fight against al-Qaida.

Mr. DURBIN. Mr. President, I will support the Feinstein-Paul amendment. This amendment would make it clear that Congress has not authorized the indefinite detention of American citizens or lawful permanent residents apprehended in the United States without charge or trial. This is a commonsense amendment that should be completely noncontroversial. It has long been understood that is unconstitutional to indefinitely detain someone apprehended in the United States without charge or trial. Indeed, the fifth amendment of the Constitution provides simply that ''no person shall be . . . deprived of life, liberty, or property without due process of law.''

Indefinite detention in the United States is not just unconstitutional, it is unnecessary. Look at the track record. Since 9/11, our counterterrorism professionals have prevented another terrorist attack in the United States. And more than 400 terrorists have successfully been prosecuted and convicted in federal court. Here are just a few of the terrorists who have been convicted in federal court and are serving long prison sentences: Umar Faruk Abulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 WTC bombing; Omar Abdel Rahman, the so-called ''Blind Sheikh''; 20th 9/11 hijacker Zacarias Moussaoui; and Richard Reid, the ''Shoebomber''.

Some of my colleagues have claimed that the Supreme Court's Hamdi decision upheld the indefinite detention of U.S. citizens captured in the United States, but it did no such thing. Hamdi was captured in Afghanistan, not the United States. And Justice O'Connor, the author of the opinion, was very careful to say that the Hamdi decision was limited to, ''individuals who fought against the United States in Afghanistan as part of the Taliban.''

Some of my colleagues also cited the case of Jose Padilla, claiming that it is a precedent for the indefinite detention of U.S. citizens captured in the United States. But look at what happened in the Padilla case. Padilla is a U.S. citizen who was placed in military custody in the United States. The 4th Circuit Court of Appeals, one of the most conservative courts in the country, upheld Padilla's military detention. But then, before the Supreme Court had the chance to review the 4th Circuit's decision, the Bush administration transferred Padilla out of military custody and prosecuted him in criminal court. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States.

A number of prominent civil liberties and human rights organizations have expressed their concern that because the Feinstein-Paul amendment only prohibits indefinite detention of U.S. citizens and lawful permanent residents, it implicitly authorizes indefinite detention of others apprehended in the United States. I am very sympathetic to this concern. As Senator FEINSTEIN and Senator PAUL have both said on the floor of the Senate, they oppose the indefinite detention of anyone apprehended in the United States, including non-U.S. citizens and nonlawful permanent residents. I agree.

Senator FEINSTEIN and Senator PAUL included language in this amendment to make it clear that we are not implicitly authorizing the indefinite detention of individuals who are not U.S. citizens or legal permanent residents. On page 2, line 14, the amendment says

that the prohibition on indefinite detention of U.S. citizens and legal permanent residents ''shall not be construed to authorize the detention of . . . any other person who is apprehended in the United States.'' So in adopting this amendment, the Senate is not implicitly authorizing the indefinite detention of anyone.

To the contrary, the language I have just quoted makes it clear that this amendment does not change existing detention authority of non-U.S. citizens and non-lawful permanent residents in any way. What does that mean? It means that the Supreme Court will decide whether non-U.S. citizens and non-lawful permanent residents can be detained indefinitely without trial, not the United States Senate.

I want to thank Senator FEINSTEIN and Senator PAUL for their leadership on this issue and am proud to support their amendment.

Mrs. FEINSTEIN. Mr. President, in 1971, 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.

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 U.S. citizens argue that the Authorization for Use of Military Force, 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.

We heard this argument again tonight from Senators LEVIN and GRAHAM. They 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.

But let me discuss the facts of Hamdi 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 detain even U.S. citizens who are arrested domestically.

However, the Supreme Court's opinion in that case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances 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 legal ambiguity, principally 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 attacks.

In Padilla v. Rumsfeld the Second Circuit Court of Appeals held that the 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 ''is not such an authorization, and no exception to [the Non-Detention Act] otherwise exists.''

I think this history is particularly important in light of tonight's debate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have one more vote to start in just a few minutes. Senator LEVIN wants to say something about the schedule for tomorrow.

Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are going to be making a unanimous consent request, and would like to do it right now, that tomorrow morning there be debate and votes on the following five amendments: Senator SESSIONS on bilateral discussions with Afghanistan, Sessions amendment No. 3009; Cardin amendment No. 3025 on civilian personnel; Menendez amendment No. 3232 on Iran sanctions; Bill Nelson amendment No. 3073 involving widows and orphans; and Coburn amendment No. 3254 involving second amendment rights for veterans.

My request is that we have—I will make a unanimous consent request now that tomorrow morning, at whatever time is allotted for morning business by the leaders——

Mr. REID. There will be no morning business.

Mr. LEVIN. There will be no morning business—that we then proceed. Now we don't have time agreements yet on these five. That is going to take a few minutes. My unanimous consent request is that immediately after prayer tomorrow we move to these five amendments. We will allocate as little time as we can tonight after this unanimous consent agreement is agreed to, if it is.

Mr. SCHUMER. Reserving the right to object, would this allow a vote, an up-or-down vote on the Coburn amendment? Would this allow an up-or-down vote on the Coburn amendment?

Mr. LEVIN. This will.

Mr. SCHUMER. I object.

The PRESIDING OFFICER. The objection is heard.

VOTE ON AMENDMENT NO. 3018

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3018, offered by the Senator from California, Mrs. FEINSTEIN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted ''yea.''

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

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—67

Akaka	Durbin	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feinstein	Moran
Baucus	Franken	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bingaman	Hagan	Paul
Blumenthal	Harkin	Reed
Blunt	Hoeven	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Sanders
Brown (OH)	Johnson (SD)	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Lee	Warner
Coons	Levin	Webb
Corker	McCain	Whitehouse
Crapo	McCaskill	
DeMint	Menendez	

NAYS—29

Ayotte	Isakson	Pryor
Brown (MA)	Johanns	Roberts
Burr	Johnson (WI)	Rubio
Chambliss	Kyl	Sessions
Coats	Lieberman	Shelby
Cochran	Lugar	Thune
Cornyn	Manchin	Toomey
Grassley	McConnell	Vitter
Hatch	Nelson (NE)	Wicker
Hutchison	Portman	

NOT VOTING—4

Heller	Rockefeller
Kirk	Wyden

The amendment (No. 3018) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the last unanimous consent which was objected to listed the five amendments. I am now going to list the first four of those five amendments so everybody knows what I am doing.

I ask unanimous consent that it be in order for the following first-degree amendments to be offered tomorrow, with no more amendments tonight: Sessions 3009, Cardin 3025, Menendez 3232, and Nelson of Florida 3073.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I find it highly ironic that we just passed an amendment to protect the constitutional rights of Americans, and we have an objection to protecting the second amendment rights of the veterans of this country. How in the world can we say to people who fight and defend for us through a social worker deemed incompetent to carry a gun, that ought to be on the basis of a danger to themselves or to someone else, and it ought to be adjudicated, and we have Senators objecting to protecting the rights of the people who defend us?

On that basis, the contrary nature of that basis of what we just did, I will object to any further unanimous consents on this bill until we have a vote to protect the rights of the people who defend this country.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, I want to set the record straight. This is a provision in the law that I worked on in fact with the Senator from Oklahoma, and it says something very simple: If you are adjudicated mentally infirm, you are on the same list that prevents you from buying a gun as if you are a felon.

In my judgment—I love our veterans, I vote for them all the time. They defend us. But if you are mentally ill, whether you are a veteran or not—just as if you are a felon. If you are a veteran or not and you have been judged to be mentally infirm, you should not have a gun.

And no amendment, my friend, is absolute. The first amendment is not absolute. You are against antipornography laws. The third, fourth, fifth, sixth, seventh, eighth, and ninth amendments. And as much as I believe in the second amendment and the right to bear arms and was a supporter of the Heller decision, neither is the second amendment.

I continue my objections to the provision.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, after 12 hours today, 8 hours yesterday, over 42 amendments, and many more coming in the managers' package, what we have is a situation where the Senator from New York—because of his passion, which he just articulated—refuses to allow the Senator from Oklahoma his rights as a Senator; and that would be, since we have taken up this legislation with amendments and votes with a 51-vote majority as applicable, we have moved through, I am very proud to say, I think a very good process that I think all of us can be proud of.

But the Senator from New York, because of his passion and commitment and belief—all of which I respect—will now prevent the Senator from Oklahoma from having his amendment considered. Why? Because he is afraid he will lose. The Senator from South Carolina and the Senator from New Hampshire and I have been losing all day long, and I am passionate about that.

But I ask my colleague from New York, do we really want to have a situation where the depth of our passion now dictates whether the Senate should be allowed to go forward? The Senator from Oklahoma has the same right as every other Senator has had to propose an amendment. I will be glad to debate it, and up or down. Because if we are now going to tell our colleagues that if you have an amendment and you feel that you are going to lose and it really goes to the heart of your beliefs, that you are not going to allow the Senate to work, I think that is a very bad and dangerous precedent for us to set.

Passions are high tonight, I say to my friend from Michigan. I think we have a pending amendment now and there will be other amendments that we will line up. We could maybe overnight calm down a little bit and move forward with a process that we have enjoyed for the last 2 days. No matter how passionate we feel about a particular issue, we should let the Senate work its will; otherwise, we will never complete a piece of legislation around here unless we go back to what we have been doing before, and that is fill up the tree, file cloture, and then none of us are able to engage in what the Senate should—and that is open and honest debate and respecting the will of the majority.

So I urge, with all respect and appreciation for the passion of the Senator from New York, allow this process to go forward. Let an amendment be considered, let a second-degree amendment be considered, and respect the will of the majority, and move on and live to fight another day; otherwise, we will derail the Defense authorization bill that we have managed to pass for the last 51 years, and the men and women who are serving in the military and our Nation's security will be jeopardized.

I don't want to get into a fight with the Senator from New York. I respect his passion. But I hope for the good of the institution he would allow this process to go forward just as it has for the last couple of days.

I thank my friend from New York for listening.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, along the same lines, I would hope that at least with these four amendments—which are now ready to be debated and voted upon—that our friend from Oklahoma would allow that to proceed, with the notice that from thereon he would not allow any unanimous consent agreement. But this has been worked on for so long and these four amendments are lined up so nicely for debate tomorrow that I would urge him to relent and allow us to at least proceed to those four amendments. And he has now put the body on notice that he would not agree to any additional beyond that.

I happen to agree with my friend from Arizona. We are going to debate, folks. Sooner or later, these amendments are going to be debated, unless a cloture motion—which is going to be filed tomorrow—is approved on Monday. And then we are right back in the same problem we have had, which has just been eloquently described by Senator MCCAIN. And if we don't vote cloture, this bill isn't going anywhere. If we do vote cloture, then we will have made it impossible for some people to offer amendments, which they should be allowed to offer.

Let us be clear on what is happening tomorrow, to the extent it is possible—which is not very extensive. And I want to get the Chair to confirm this. There is a pending amendment. It is a modified Kyl amendment. This has been modified so that it was been worked out with Senator KERRY. That is pending. Is the Senator correct?

The PRESIDING OFFICER. The amendment has not yet been modified, but it is pending.

Mr. LEVIN. It is pending and will be modified tomorrow.

At that point the Chair is going to ask whether there is any additional debate on that amendment. If there is no additional debate, then the Chair is going to put the question. If there is a request for a rollcall, there will be a rollcall. If there is not, it will be voice voted. At that point, the floor is open. And I intend to then offer the Sessions amendment, the first one on this list, and then that is going to be open to debate. And if our colleagues want to come here tomorrow and filibuster or prevent a vote on the Sessions amendment, they are going to have to come here and debate.

But we have tried the best we know how to move this bill forward. We have done everything we know how, and we have made great progress, with the Members of this body being extremely cooperative. We are not giving up.

So the only technique left to us, given these two objections, is the one I just identified: to have the pending Kyl

amendment, after it is modified, debated. If no one wants to debate, the Chair is going to put the question, or we will have a rollcall on it if people want it. And then the floor is open, and I will be offering the next one in line, which is the Sessions amendment. Then if people want to debate that or filibuster that, the rules of the Senate allow you to do it. But I don't think that is what is going to happen.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, could I also add, I think we need to look at this in the larger context. The larger context is that there is a looming crisis in this body. The majority leader is going to possibly exercise a nuclear option, which then would change the way we do business around here, especially on the motion to proceed. The Senator from Michigan and I had two goals in mind: one, to achieve conclusion of the Defense authorization bill, which is vital to our national security on which I think we would all agree. But we also wanted to show our colleagues, and maybe the country, that we could move forward in a normal fashion with legislation, amendments, and final votes without cloture motions, without blocking things, without objecting to other people's amendments, and time agreements such as we have just completed in the last 20 hours, some 42 amendments that have been completed.

Again, I urge my colleagues, let's show ourselves and the majority leader and those who want to exercise this nuclear option that we can take up legislation in an orderly fashion and come to a conclusion and do the people's work.

There is more here, frankly, than just a refusal to allow an amendment.

We are again going to show that we have to file cloture and then there will be people going on and on. Then I say to my friends on this side of the aisle, that is going to mean it is more likely that we have this showdown which we think, many of us think, would be devastating to this institution and the way that it has done business for a couple of hundred years.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to say to my colleague from Arizona I very much appreciate his words and I appreciate the respect he has shown for how I feel about this particular issue. But I would like to say another thing here. We are in a little bit of ''Alice in Wonderland.'' The number of times I have risen to my feet in this body to object because I did not want an amendment to come forward can be counted on a single hand over the last year or two. My good colleague from Oklahoma has made himself a legislative powerhouse by regularly using that practice. In fact, my guess is—more than my guess, the reason his amendment was included on the list of five—there are hundreds of amendments pending—is because he told people just what he would do: He would object to every other amendment unless his amendment was included.

Let me say here that if this process is going to change, it is not going to start changing in one of the rare moments when the Senator from New York or some of my colleagues here use a process that has been regularly used by the other side to achieve their goals or thwart other people's goals. We are not going to start at this moment changing things when an amendment of great importance to many of us on this side is at risk. I find it unfair and in fact I find it a little bit turning the world—not the world, but the facts of how this body works—inside out. Because it is well known that my good friend from Oklahoma and others have used the very rule I have used tonight over and over again. That in fact, I would say to both my colleagues from Michigan and from Arizona, is one of the reasons we are so frustrated with the present state of the rules.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. All we are asking for the veterans of this country is that if their rights are taken away that it be adjudicated by a judge or magistrate. That is all we are asking. Rather than a social worker at the VA—which is what happens today to veterans. We are not asking for anything big. We are just saying if you are going to take away the second amendment rights, which means all those who truly should lose their rights will lose them, but they ought to have it adjudicated rather than mandated by somebody who is unqualified to state that they should lose their rights.

I will announce today right now that I will not object if Senator LEVIN again offers the request that will put four amendments on the floor. I will not object to that. I want to cooperate in this body. But I think you ought to think about what we just voted on—which I voted for—which is to protect the Bill of Rights for people of this country. To protect the Bill of Rights for people of this country. There could be no one for whom we should want to protect the Bill of Rights more than somebody who served our country.

We can object. All I am saying is, let them at least have their day in court if you are going to take away a fundamental right given under the Constitution. I will say today, if the Senator from Michigan offers his unanimous consent again I will not object and we will move forward because I want us to move forward. I want us to finish this bill. I want the Defense Department to be able to have something they can count on for the next year. But ask yourself in your heart, how fair is it? We are worried about terrorists and their Bill of Rights but we are not worried about the people who defend our country and their Bill of Rights? Tell me how we got to that point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent it be in order for the following first-degree amendments to be offered: Sessions No. 3009, Cardin No. 3025, Menendez No. 3232, Nelson of Florida no. 3073; that at 9:30 a.m. on Friday, tomorrow, November 30, following the prayer, that the Senate proceed to votes in relation to the amendments in the order listed; that there be 2 minutes equally divided prior to each vote; that there be no amendments in order to the amendments prior to the votes.

Mr. MCCAIN. Reserving the right to object, and I will not object, as I understand it, there are still no time agreements on this?

Mr. LEVIN. That is correct. We will work out time agreements——

Mrs. BOXER. Reserving the right——

Mr. MCCAIN. I still have the floor.

Mr. LEVIN. The only time agreement we have in yet is the time we come in, not a time for a vote.

Mr. MCCAIN. I wanted to clarify.

Mr. LEVIN. Oh, I did not state that correctly. I believed, and I am now wrong, that there would be a time agreement on each amendment that we would attempt to arrive at. That is not what this says. This provides, and I am going to read it again, and I did not listen to my own reading—that at 9:30, following the prayer tomorrow, the Senate proceed to votes in relation to the amendments in the order listed and that there be 2 minutes equally divided prior to each vote; and there be no amendments in order to the amendments prior to the votes.

I think we ought to have more debate on some of these amendments than that. The debates could take place tonight.

Mr. MENENDEZ. Reserving the right to object, I ask the Senator——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Did the Senator say the only time for debate on these amendments would be 2 minutes?

Mr. LEVIN. Tonight is open for debate.

Mr. MENENDEZ. Tonight is open. Tomorrow there would just be 2 minutes on each amendment? Because Senator KIRK and I, and Senator LIEBERMAN, have amendments that several Members have asked to speak on, including the distinguished ranking member. I would then urge them to come tonight and speak on it. I will not object.

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

Mr. MCCAIN. I completed my statement.

Mrs. BOXER. Reserving the right to object and I will not object, I want to speak for 20 seconds. This is what I want to say.

There are amendments and there are amendments. We all know that. I think we have shown that we can work together. But when you try to repeal a

law that protects the lives of people—you talk about protecting rights, I am with you. I also want to protect the lives of people. Coming from a State where we have had many mass shootings it may take a little longer. Maybe we ought to have a hearing or two before you repeal a law that is so important to the safety of the people.

I will not object. I will see you all tomorrow.

Mr. COBURN. Reserving the right to object, this bill came out of the Veterans' Committee 14 to 0. They had hearings on it. We have done the work. It has been done. It came unanimously out of the Veterans' Committee. There is no question about what is right to do in terms of protecting—this is not about allowing anybody with any mental disease to have a gun. This is about taking the rights of those who do not have a mental disease to have their rights restored.

The PRESIDING OFFICER. Does the Senator from Oklahoma object?

Mr. COBURN. I do not.

The PRESIDING OFFICER. There has been a unanimous consent request. If there is no objection, it is so ordered.

The Senator from Michigan.

AMENDMENTS NOS. 2940, 3036, 3064, 3114, 3193, 3213, 3220, 3222, 3237, 3243, 3256, 3260, 3261, 3271, 3275, AND 3279

Mr. LEVIN. Mr. President, I now call up a list of 17 amendments which have been cleared by myself and Senator MCCAIN. I am going to list these amendments:

Blumenthal amendment No. 2940, Brown of Massachusetts amendment No. 3036, Toomey amendment No. 3064, Levin amendment No. 3114, Casey amendment No. 3193, Risch amendment No. 3213, Wicker amendment No. 3220, Johanns amendment No. 3222, Coburn amendment No. 3237, Levin amendment No. 3243, Lieberman amendment No. 3256, Cornyn amendment No. 3260, McCain amendment No. 3261, Kyl amendment No. 3271, Webb amendment No. 3275, Nelson of Nebraska amendment No. 3279.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object——

The PRESIDING OFFICER. The Senate will come to order.

Mr. MCCAIN. We now have 17 more amendments. We will be proceeding tomorrow morning. I want to tell my colleagues, we will be looking at other amendments to put into a package we can agree on, but I also urge many of my colleagues who have redundant and duplicative amendments to look at their amendments and withdraw them if possible so we can dispose of remaining amendments as soon as possible tomorrow.

I thank especially Senator FEINSTEIN and Senator GRAHAM and Senator AYOTTE and those who were involved in this whole detainee issue. I think it was a result that helped us to move forward enormously. I thank, obviously, the chairman for his unlimited patience, which is a quality which I do not have.

The PRESIDING OFFICER. Is there objection to the unanimous consent request to adopt the amendments en bloc?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2940

(Purpose: To provide certain requirements relating to the retirement, adoption, care, and recognition of military working dogs)

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

SEC. 1048. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

''(1) to the 341st Training Squadron; or

''(2) to another location for adoption under this section.''.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 993. Military working dogs: veterinary care for retired military working dogs

''(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

''(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

''(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

''993. Military working dogs: veterinary care for retired military working dogs.''.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

AMENDMENT NO. 3036

(Purpose: To require reports on the potential security threat posed by Boko Haram)

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.

AMENDMENT NO. 3064

(Purpose: To require a study on the Bradley Fighting Vehicle industrial base)

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.

AMENDMENT NO. 3114

(Purpose: To authorize the repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities)

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.

AMENDMENT NO. 3193

(Purpose: To require the Department of Defense to develop a plan to promote the security of Afghan women and girls during the security transition process)

The text of the amendment is printed in today's RECORD under ''Text of Amendments.''

AMENDMENT NO. 3213

(Purpose: To add the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives to the list of congressional committees to receive the submission of reports on the program for scientific engagement for nonproliferation)

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 Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence 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 Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

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

AMENDMENT NO. 3220

(Purpose: To express the sense of Congress in support of the Israeli Iron Dome defensive weapon system)

At the end of subtitle D of title XII, add the following:

SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—Congress 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 CONGRESS.—Congress—

(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 Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

AMENDMENT NO. 3222

(Purpose: To express the expectation of Congress to be consulted by the Secretary of Defense before the Secretary pursues a change in the command status of the United States Cyber Command)

At the end of subtitle C of title IX, add the following:

SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that ''[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that's the process that we're going to work our way through''.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense ''must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department's plans and activities.''.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation's networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

AMENDMENT NO. 3237

(Purpose: To set forth consequences for the failure of the Department of Defense to obtain audits with an unqualified opinion on its financial statements by fiscal year 2017)

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

SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

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 THE 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 the 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).

AMENDMENT NO. 3243

(Purpose: To commend the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan)

At the end of subtitle B of title XII, add the following:

SEC. 1221. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, ''What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.''

(4) In November 2011, a traditional loya jirga in Kabul declared that ''strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security'' and also stated, ''Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.''

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, ''Today we're agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.''

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement ''reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries' citizens, but also for the benefit of peace and security and stability in the region and around the world''.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, ''Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.''

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in

Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

AMENDMENT NO. 3256

(Purpose: To require reports from the Comptroller General of the United States on certain aspects of joint professional military education)

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

SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term ''joint professional military education research institutions'' means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term ''senior and intermediate joint professional military education colleges and universities'' means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

AMENDMENT NO. 3260

(Purpose: To prohibit the use of funds to enter into contracts or agreements with Rosoboronexport)

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.

(a) PROHIBITION.—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.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

AMENDMENT NO. 3261

(Purpose: To require the submittal to Congress of risk assessments on changes in United States troop levels in Afghanistan)

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, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(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 associated with 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 associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with 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.

AMENDMENT NO. 3271

(Purpose: To promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States)

At the end of subtitle D of title XIV, add the following:

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

AMENDMENT NO. 3275

(Purpose: To express the sense of the Senate on the situation in the Senkaku Islands)

At the end of subtitle D of title XII, add the following:

SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral actions of a third party will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that ''[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes''.

AMENDMENT NO. 3279

(Purpose: To express the sense of Congress that external and independent oversight of the National Nuclear Security Administration by the Department of Energy is critical to the mission of protecting the United States nuclear security enterprise)

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 carefully evaluated;

(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 but should be routinely evaluated;

(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;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that regarding these amendments, which I believe by the Chair's ruling have been—are to be considered en bloc, also that the motion to reconsider be laid on the table.

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

Mr. LEVIN. I thank the Presiding Officer. My understanding is now that the Senate floor is open to debate. Hopefully people who want to debate on these four amendments will debate tonight so the 2 minutes tomorrow will be adequate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, if I could ask the distinguished chairman a question, I would assume, then, that at this point I would not have to call up the amendment? That would be in order tomorrow?

Mr. LEVIN. No.

AMENDMENT NO. 3232

Mr. MENENDEZ. Mr. President, I will ask to call up my amendment, the only amendment I have pending with Senator KIRK.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. KIRK, and Mr. LIEBERMAN, proposes an amendment numbered 3232.

Mr. MENENDEZ. I ask unanimous consent further reading of the amendment be dispensed with.

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

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

Mr. MENENDEZ. Mr. President, first I appreciate where we are. This is a bipartisan amendment. It is an amendment with Senator KIRK and Senator LIEBERMAN. It is a continuing perfection of sanctions as it relates to Iran that has been unanimously passed by this body approximately a year ago last December. Iran has set its sights on achieving nuclear weapons capability and this would not be in the national security interests of the United States because we have tens of thousands of our troops who would be in harm's way if Iran had nuclear weapons.

It would also not be in our national security interests because we clearly have to ensure that the Straits of Hormuz remain open and accessible and we would be obligated under our NATO agreements to respond should a Shabab missile be launched against one of our allies. Of course a Shabab missile is an Iranian missile that has the type of flight and capability to do so.

It is not in our national security interests because the last thing we need is a nuclear arms race in the tinderbox of the world where countries, for example, such as Turkey and Saudi Arabia would feel obligated to follow suit if Iran were to become a nuclear power.

For all of those reasons among others, it would not be in the national security interests of the United States. That achievement would jeopardize U.S. national security interests, pose an existential threat to the state of Israel, and would result in a nuclear arms race that would further destabilize the region.

The news out of Iran is dire. Just this week the Director of the International Atomic Energy Administration told the press Iran has not slowed its enrichment activities. The International Atomic Energy Administration also suspects that Iran has conducted live tests of conventional explosives that could be used to detonate a nuclear weapon at the Parchin military base—a facility the Iranians have denied access to by the International Atomic Energy Administration.

Between May and August of this year, Iran doubled the number of centrifuges at its fortified Fordow facility, buried deep inside a mountain to protect it against strikes. Iran now has over 2,140 centrifuges for enriching uranium and it continues to enrich to 20 percent. Iran claims it needs this higher grade uranium for its peaceful nuclear program, but a country with peaceful ambitions doesn't enrich uranium in defiance of U.N. Security Council resolutions. It doesn't refuse to disclose its operations. It doesn't hide them inside a mountain. A peaceful nation doesn't breach the international inspections regime compelled by the Nuclear Nonproliferation Treaty, and a peaceful nation is not one that pursues weaponization of missiles that can reach countries far beyond its borders.

The sanctions passed by this body unanimously last December are having a significant impact. The Iranian currency, the rial, has lost much of its value, and Iran's oil exports have dropped to a new daily low of 860,000 barrels per day, which is over 1 million barrels of oil per day less than 1 year ago.

Through our sanctions and the combined effort of the European Union, we have forced the Iranians back to the negotiating table. By passing these additional measures—requiring the cessation of sales to and transactions within Iranian sectors that support proliferation, including energy, shipping, shipbuilding, and port sectors, as well as anyone on our specially designated national list—we will send a message to Iran that the time for confidence-building measures is over. We do not want the Iranian regime simply to believe they can toughen out the sanctions. This sends a clear message that toughening it out will not work and it will only get worse.

If Iran is serious about wanting to reach a diplomatic solution, then it must quickly and fully implement U.N. Security Council resolutions. It must stop enriching uranium, permit removal from its territory of enriched uranium, close the Fordow enrichment facility, and submit to a robust inspections regime that includes inspections of the Parchin military facility.

Clearly, sanctions are not the ultimate goal. They are only a means to a clear end, in this case preventing Iran from becoming the next nuclear state and an existential threat to our ally, the State of Israel. Let me highlight the major provisions of this amendment.

First, this amendment designates Iran's energy, port, shipping, and shipbuilding sectors as entities of proliferation because of the role they play in supporting and funding Iran's obvious proliferation activities. With the exception of permissible petroleum transactions under the existing sanctions regime from countries that have significantly reduced their purchases of oil from Iran, these sectors will now be off limits. We will sanction any transactions with these sectors and we will block the property—and any third party—that engages in transactions with them.

Second, we impose sanctions on persons selling or supplying a defined list of commodities to Iran—commodities that are relevant to Iran's shipbuilding and nuclear sectors such as graphite, aluminum, steel, metallurgical coal, and software for integrating industrial processes. We also will prevent Iran from circumventing sanctions on its Central Bank that this Congress and the President signed by receiving payments in precious metals.

Third, we designate the Islamic Republic of Iran Broadcasting entity and its President as human rights abusers for their broadcasting of forced television confessions and show trials, thereby blocking their assets and preventing others from doing business with the IRIB.

To address concerns about access to humanitarian goods in Iran, which is a very real and serious concern, we have provided for exceptions for the provision and sale to Iran of food, agricultural commodities, medicine, medical devices, and other humanitarian goods. We have imposed new human rights sanctions on those in Iran who are engaged in corruption or the diversion of resources related to these goods and that are preventing them from reaching the Iranian people.

Our message is clear. The window is closing. The time for the waiting game is over. Yes, our sanctions are having a demonstrable effect on the Iranian economy, but Iran is still working just as hard to develop nuclear weapons. Iran has to decide what it will do. Will it continue down the path to proliferation and risk further crushing economic sanctions or will it end the madness and negotiate a responsible end to its nuclear ambition? The waiting game is over and, in the end, one way or the other, Iran will not be allowed to acquire a nuclear weapon that could threaten the national interests and security interests of the United States, Israel, the region, and the world.

I wish to thank Senator KIRK, whom we have worked with on this issue for quite some time, as well as Senator LIEBERMAN, Senator CASEY, and many others who have shared their interests and their views, and we have tried to incorporate those views. I hope that tomorrow when we cast a vote, it will be the type of unanimous vote this Senate passed nearly 1 year ago, that ultimately sends a very clear message to the Iranians that if they seek to evade, if they seek to avoid, if they think they can wait out the process, they are wrong. That is, in essence, what we are doing through this amendment. It is, in essence, why we believe it is so critical to move forward, to send a very clear message to the Iranians.

This is about the national security of the United States. It is the existential challenge to the State of Israel, our ally, and it is the best of a bipartisan effort that we have seen in this Senate.

With that, I look forward to tomorrow's vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Menendez amendment No. 3232 is pending.

Mr. MCCAIN. All right. I intend to speak on that shortly.

I see the chairman is here.

Mr. LEVIN. 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. 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, what Senator MCCAIN and I and our staffs are going to attempt to do tomorrow morning is that shortly after the fourth vote that is now scheduled, the fourth rollcall vote, we hope to be able to announce a finite list of amendments which would need to be disposed of before completion of this bill. That is going to be our goal, and we are going to repeat that goal the first thing in the morning. But it is important people know that. That is now something that is important that we do because we expect there will be a cloture motion tomorrow that will be filed, and if we can put together a finite list of amendments that need to be disposed of before final passage of this bill, that step may be unnecessary.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to say I think we have made great progress. I think we have addressed the major issues concerning this legislation, although there are certainly other issues our colleagues feel are very important. But we should have reached a point now after 3 days that we put together a list of amendments. We can decide whether those amendments can be agreed upon, dropped or voted on. But it is time we put that list together and, obviously, with that being accomplished, we could get this thing wrapped up without having to go through the process of cloture and the intervening hours and all the parliamentary procedures that are embodied in that process.

I thank the chairman and thank the presiding officer.

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. 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.

AMENDMENT NO 3199, AS MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the adoption of Durbin amendment No. 3199, it be modified with the changes at the desk.

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

The amendment (No. 3199) was modified, is as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term ''M23'' refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

Ms. SNOWE. Mr. President, my colleague Senator LANDRIEU and I have an amendment to remove inequities that exist in the women-owned small business contracting program, when compared to other socioeconomic programs.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed women entrepreneurship and have urged both past and present administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law 10 years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women's procurement program. And I am pleased to report that today there is a functional WOSB contracting program, however, the program lacks the critical elements that the SBA's 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include.

To remedy this, our bipartisan amendment will help provide tools women need to compete fairly in the Federal contracting arena by eliminating a restriction on the dollar amount of a contract that a WOSB can compete for, thus putting them on a level playing field with the other socioeconomic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. In fact, our government has never achieved its goal of 5 percent of contracts going to WOSBs, achieving only 3.98 percent in fiscal year 2011. This amendment would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

Mr. President, I also wish to speak to an amendment to S. 3254, the National Defense Authorization Act, to cease Federal involvement in the National Veterans Business Development Corporation.

This bipartisan amendment would cease, once and for all, Federal involvement in the National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC. Let me begin by thanking the bill's cosponsors, Small Business Committee Chair MARY LANDRIEU, former Small Business Committee Chair JOHN KERRY and Senator TOM COBURN. Senator COBURN, as most in this body will recognize, is a true leader in efforts to streamline the Federal government. Recently he spoke with us about ideas for federal entities or programs that could be eliminated and we readily provided TVC as an example of an entity that we had already identified that the Federal government should sever its ties with.

I want to say at the outset that an amendment, with identical text as this one, passed the Senate by a vote of 99–0 in May of 2011, but the bill it was attached to did not pass. We are introducing this repeal as a stand-alone bill because TVC has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act—P.L. 106–50—in 1999. In December of 2008, former Small Business Committee Chairman KERRY and I investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars.

The report found, among other things, that TVC (a) failed to support

Veteran Business Resource Centers; (b) had wasteful programs; (c) lacked outcomes-based measurements; (d) provided it's employees with unacceptably high executive compensation; (e) engaged in dubious expenditures, and (f) failed to properly fundraise.

For instance, our report concluded that TVC had spent only 15 percent of the federal funding that it had received on veterans business resource centers, which TVC was required to establish and maintain under law. In FY 2008, the percentage dropped to about 9 percent. We also found that TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's FY 2007 federal appropriation dollars were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to fundraise—which was required by law in order for it to become self-sufficient—and during fiscal years 2005 through 2007, TVC leaders spent $2.50 for every $1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification form the full Board, including $40,000 in employee bonuses in one year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration has incorporated the Veteran Business Resource Centers that TVC previously funded into its existing network of Veteran Business Outreach Centers. These moves were publically supported by a variety of veteran service organizations, including the American Legion and the Veterans of Foreign Wars (VFW). For instance, in August of 2008, the American Legion passed a resolution at its national convention, Resolution No. 223, stating that the Legion ''no longer support[s] the continuing initiatives or existence of the national Veterans Business Development Corporation.''

At present, TVC is still Federally chartered. At the same time, it receives no Federal funds, has no department or agency oversight. In light of everything I have discussed, it is my belief that the Federal government must take the next step and fully sever all ties with the organization. I ask my colleagues to support this bipartisan amendment.

Ms. COLLINS. Mr. President, I rise in support of the Fiscal Year 2013 National Defense Authorization Act. This bill represents a bipartisan commitment to ensuring that our brave men and women in uniform have the resources, equipment, and support they require to defend the interests of the United States around the globe.

I wish to commend Chairman LEVIN and Ranking Member MCCAIN for their efforts.

This bill represents a prudent path forward for the Department of Defense. But it is a path that could be shortly undermined if a compromise is not reached to avert the impending self-inflicted crisis of sequestration. Without action, sequestration could spell disaster for many of the programs that we would authorize through this bill. I stand ready to work with all my colleagues, on both sides of the aisle, to correct the short-sighted policy of sequestration and determine a sustainable way forward for our country.

I am pleased this bill recognizes the importance of shipbuilding to our Nation's defense, authorizing $778 million more than the administration's fiscal year 2013 request for Navy ships.

While the total annual shipbuilding budget is less than what the United States pays each month on interest to service the national debt, the ships built by the Navy represent such an important part of our national military strategy. The Navy's fleet, as an instrument of national policy, has a positive effect upon global security that far exceeds the percentage of the budget it represents.

This bill authorizes multiyear procurement authority for both the *Virginia*-class submarine program and for up to ten *Arleigh Burke*-class destroyers. The two programs are projected to achieve savings of 14 percent and 9 percent respectively, when compared to the cost of annual contracting.

I congratulate both the chairman and ranking member for their willingness to direct the Navy to make good on cost-effective planning and, as a result, to increase the size of the fleet. For as we have heard this year in the testimony of virtually every combatant commander, the importance of the maritime environment continues to grow with each passing year.

As our Nation and our military look to the Western Pacific, that trend is sure to continue. Events this year in the South China Sea, which saw a disconcerting maritime standoff between the Philippines and the People's Republic of China, highlight just how important the maritime environment is to global security. Although thankfully the crisis abated, the ability of the Navy to respond with forward-deployed multimission platforms capable of operating in anti-access and area-denial environments must be maintained. Moreover, we must continue to make the necessary investments in both our public and private shipyards to allow for a strong domestic shipbuilding and ship repair industrial base.

I am proud that my own State of Maine contributes so much to the strength of our Navy. Maine, after all, has a proud maritime legacy. Tens of thousands of Mainers earn their living from the sea, as commercial fishermen or lobstermen, as merchant sailors, as Coast Guardsmen or Navy Sailors, as part of Maine's tourist industry, or as workers at Maine's public and private shipyards.

Bath Iron Works, a private shipyard and Maine's largest private employer, has been building ships for the Navy since 1893, and the shipyard continues to be known by the phrase ''Bath built is best built.''

Portsmouth Naval Shipyard, in Kittery, ME, is one of only four public shipyards that remain in the United States, and conducts repair and refueling work on nuclear submarines. Both of the yards, along with the other public and private yards across the country, are truly national strategic assets, and the workers in these yards are the world's leading experts in ship construction and repair. As Chinese yards continue to churn out modern warships, and as the Chinese fleet continues to expand, we cannot allow any of the capabilities represented by our shipyards to atrophy.

Given the events of this month in the Middle East, I am pleased this bill also authorizes important additional funding for the Iron Dome program and cooperative programs with the State of Israel. As the Senate has affirmed time and again, most recently on November 15 when we passed S. Res. 599 introduced by Senator GILLIBRAND, Israel has an inherent right to act in self defense. In that resolution, the Senate expressed our unwavering commitment to Israel's security—a security which unfortunately continues to be threatened.

While I commend the efforts undertaken by those in the Middle East and by Secretary Clinton to achieve the recent ceasefire, we must continue to make the investments necessary to guarantee Israel's security. I can think of no better investment than the Iron Dome system, which had a success rate of 80–90 percent against the hundreds of rockets fired into Israel's borders.

And while Iron Dome protects the State of Israel, we must also look at how to better secure the United States, particularly those states on the East Coast, from the threat of a missile attack from rogue regimes in the Middle East. According to the Pentagon's Annual Report on the Military Power of Iran, parts of which were released in July, Iran could produce missiles capable of reaching the U.S. within 3 years.

To address this threat, Senators LIEBERMAN, AYOTTE, and I have filed an amendment which would require the Department to conduct an Environmental Impact Statement and create a plan for establishing a missile defense site on the East Coast of the United States. Such a site, whether sea-based or on land, located in the northeast tip of our country, could better protect the East Coast from an intercontinental ballistic missile attack. Beginning an EIS now, a task which could take up to 18–24 months, is a prudent measure to preserve our options in the future.

Just as we must protect the East Coast, we must also provide the military the tools to protect the mental

and physical wellbeing of military personnel. This year, the suicide rate amongst Active-Duty personnel has continued to soar. On average, more than one soldier, sailor, airman, or Marine has taken their own life every day this year. That is a tragedy of the first degree.

For every servicemember who dies in battle, 25 veterans die by their own hands. Not only have more military personnel killed themselves than were killed in Afghanistan this year, but the rate of suicides in the military significantly exceeds the rate of suicides in the general population. Veterans, many of whom are dealing with financial or posttraumatic stress, chronic pain, or depression resulting from their time in uniform, also face high rates of suicide. According to a Department of Veterans Affairs report this spring, a veteran commits suicide every 80 minutes.

While I applaud the military and the VA efforts to address this threat seriously, especially the Army, we can and must do more. To that end, I have filed an amendment with Senators LIEBERMAN and BLUMENTHAL to require the Attorney General to exercise authority granted to him by the Secure and Responsible Drug Disposal Act of 2010 to establish a drug take-back program in coordination with both the Secretary of Defense and the Secretary of Veterans Affairs.

There is substantial evidence that prescription drug abuse is a major factor in military and veteran suicides. The Army has reported that 29 percent of suicides had known history of psychotropic medication use, including anti-depressants, anti-anxiety medicine, anti-psychotics, and other controlled substances such as opioids.

I understand the legitimate concerns raised by some law enforcement officials that accountability of drugs must be strictly maintained and that these drugs must be prevented from being misused, abused, or sold in the black market. I am confident, however, that both the military—an institution that has developed and implemented programs for the handling of nuclear weapons and classified information—and the VA are capable of running a drug take-back program with the utmost accountability and highest of standards.

I have also filed another amendment to establish a resilience research program in the Army to study the effectiveness of the Comprehensive Soldier Fitness program. This program is intended to improve the resilience of our active duty force.

The loss of even one servicemember to a potentially preventable suicide is unacceptable. We have a responsibility to take every practical step that we can to help the military win the battle against suicides. Over the past decade, we have made an incredible investment to prevent deaths or injuries from IEDs. Although the threat to our forces posed by suicide will not be solved overnight, it deserves a similar commitment to combat this epidemic.

Likewise, the high incidence of military sexual assaults also continue to warrant our attention, particularly after the scandal at Lackland Air Force Base. This bill includes two provisions that I support which would codify into law regulations that were issued by the Department earlier this year. We should all continue to watch the Department closely to see that the changes are implemented wisely, that the Department's policy of zero tolerance becomes a culture of zero tolerance, and that the incidence of these crimes is dramatically reduced.

In the area of mental health, this bill includes a provision to grant authority for additional behavioral health professionals to conduct pre-separation medical examinations for post-traumatic stress disorder. This provision would increase the number of medical professionals available to conduct evaluations because the backlog of cases within the integrated disability evaluation system is significant, and results in unacceptable wait times for our military personnel being processed for separation.

Unfortunately, the military does not even know the true scope of the backlog within the disability evaluation system, and I am sure that many of our colleagues receive letters from their constituents expressing this concern each week. This year's bill contains a provision I authored that would require DOD to collect data on the physical, mental, and behavioral health of Wounded Warriors in order to accurately assess the efficacy of the military's Wounded Warrior programs.

In Afghanistan, where many of our wounded warriors received their injuries, military personnel continue to pay a high cost. As we head into the final 2 years of combat in Afghanistan, after more than a decade of war, I have grown increasingly concerned about the high number of insider attacks and their effect upon our strategy to transition to Afghan Security Forces leadership and for U.S. forces to assume a training and mentoring role after 2014.

Each death caused by the tactic of insider attacks has a strategic effect upon the war, both in terms of the American people's perception, and the willingness of our partners in NATO and ISAF to remain engaged in battle.

In 2012 alone, 60 Coalition troops, representing 16 percent of Coalition deaths, have been slain at the hands of those upon which our strategy depends. It is for that reason that I, along with Senators UDALL, PORTMAN, and SHAHEEN have filed an amendment that would require the Secretary of Defense to report on the effect of insider attacks upon the progress of the war and the effect these attacks have upon our strategy and the behavior of our partners. Our Nation has made too great an investment in blood and treasure in Afghanistan; Congress must understand the strategic environment, and be presented with all the information to make informed decisions about how to proceed in Afghanistan.

The Afghan war has also left us with important questions about detention policy here at home that must be resolved. One of the questions that has been left unaddressed in the eleven years since the Congress authorized the use of military force to go after al-Qaeda and the Taliban is whether the Congress intended to authorize the detention of persons in the United States, and specifically the detention of American citizens. I have cosponsored an amendment with Senator FEINSTEIN that would explicitly prohibit the indefinite detention of U.S. citizens captured on U.S. soil.

The final amendment I have offered, along with Senators KERRY, BROWN of Massachusetts, BLUMENTHAL, WHITEHOUSE, SNOWE, and BROWN of Ohio, would require the Department of Defense to establish a temporary pilot program to issue domestically procured athletic shoes to Army recruits in initial entry training. DOD historically provided athletic footwear to new recruits that comply with the Berry Amendment, but DOD's current procurement process has allowed it to circumvent the spirit, letter, and intent of the law. I have no doubt that domestic suppliers will be able to produce a Berry compliant shoe, with minimal waivers necessary, that can meet the needs of recruits and the Army in a cost-effective manner. We should not allow government funds to be used to support foreign-made shoes, when American shoes are available. Much like our Olympic athletes should be clothed in domestically produced apparel, so too should our military recruits be wearing athletic shoes made in the U.S.A.

I am also cosponsoring two amendments that grew out of the work of the Commission on Wartime Contracting. I have cosponsored Senator BLUMENTHAL's End Trafficking in Government Contracting Act to tighten the U.S. government's zero tolerance policy for any form of human trafficking. This amendment would require contractors to certify that they have plans in place to prevent such practices. It also makes it a crime to engage in such labor practices overseas on U.S.-controlled property or while working on a U.S. contract.

The Commission on Wartime Contracting also found that contingency contracting in Iraq and Afghanistan has been plagued by high levels of waste, fraud, and abuse—estimating that at least $31 billion had been lost to contract waste and fraud. Without high-level attention, acquisition planning and allocation of resources, we are likely to repeat the contracting mistakes of the last contingency operation.

Therefore, I have cosponsored Senator MCCASKILL's amendment to strengthen contingency contracting at DoD, State, and the U.S. Agency for

International Development—USAID—by improving planning, execution, and oversight of this function at these agencies and requiring education for personnel who engage in contingency contracting.

From the Maine Military Authority and the DFAS Center in Limestone to the Portsmouth Naval Shipyard in Kittery, from innovative composite and renewable energy research at the University of Maine to high-tech firms like Vingtech, Hodgdon Defense Composites, Maine Machine Products, and Mt. Desert Island Biological Laboratory, Mainers continue to support national defense with ingenuity and craftsmanship.

The investments authorized in this bill support these efforts in Maine and in States around the Nation, and they ensure that our military is the best trained and equipped in the world. I urge my colleagues to support passage of this bill.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the National Defense Authorization Act for Fiscal Year 2013. Congress has passed the Defense Authorization every year for the past 5 decades and it remains one of the most bipartisan pieces of legislation we produce in this body. I believe strongly that there is no more important responsibility that we have than providing for our common defense. The NDAA is a crucial part of that responsibility and I am glad to have the opportunity to speak in favor of it today. As Senators, it is one of our most important duties, and one of our greatest privileges, to debate and pass this bill every year.

I would like to thank Chairman LEVIN and Ranking Member MCCAIN for their leadership of the Armed Services Committee and their determination in getting the NDAA to the floor.

I have had the honor to serve as Chairman of the AirLand Subcommittee, of which I have been a member of since its inception in 1995 and been either Chairman or Ranking Member since 1999. I would like to recognize Ranking Member SCOTT BROWN and thank him. We have worked together very well once again this year. Ours has been a bipartisan effort through our hearings, our markup, and now on the floor. I would also like to thank the Subcommittee staff, Bill Sutey and Creighton Greene of the majority and Church Hutton and Pablo Carrillo of the minority, for their hard work that helped make this bill possible.

This year, the portion of the budget request falling under the Airland Subcommittee's jurisdiction total over $50 billion, including $37.4 billion in procurement, and $12.9 billion in research and development. The portion of the bill under the AirLand Subcommittee's jurisdiction supports the Defense Department's requests for several major weapons programs, including:

$639.9 million for the Army's new Ground Combat Vehicle that will replace some of the M2 Bradley Infantry Fighting Vehicles in the current force;

$2.7 billion for procurement of UH–60 Blackhawk and CH–47 Chinook helicopters so critically important to operations in Afghanistan and around the world;

$6.9 billion in the base request for the Navy, Marine Corps, and Air Force's F–35 Joint Strike Fighter program;

$60.0 million for F/A–18E/F advance procurement to preserve the Navy's option to produce additional aircraft in fiscal year 2014.

$91.0 million for M1 Abrams tank upgrades and $123.0 million for M88A2 advanced recovery vehicles. These recommended increases will extend armored vehicle production through fiscal year 2013 and allow tank production through 2014, thus preserving important combat vehicle industrial capability.

Perhaps of greatest interest to many of our colleagues, the bill addresses concerns that the Air Force proposed disproportionate cuts to the Air National Guard in its FY13 budget submission by establishing an independent commission to study the appropriate force structure of the Air Force, including the Air National Guard and the Air Force Reserve, and providing $1.4 billion to freeze Air Force force structure pending the commission's review.

The NDAA also provides an opportunity to address policy concerns important to military families, defense, and National security at large. There are a number of worthwhile amendments that have been filed and that I support, including my amendment with Senator GILLIBRAND providing TRICARE coverage for important autism treatments and my amendment with Senator COLLINS mandating a prescription drug take-back program to help reduce the scourge of military suicide. I would like to briefly highlight a pair of issues I hope we address through floor amendments.

Finally and most importantly, I hope this bill will include a new package of Iran sanctions that Senator MENENDEZ, Senator KIRK, and I plan to introduce. The fact is, Iran is continuing to make progress towards a nuclear weapons capability, and time is running out to stop them, short of the military option that none of us desire. That is why we need to do everything in our power to ratchet up the pressure on the Iranian government, as quickly as possible. The NDAA provides the last, best chance that we will have in this Congress to impose tougher sanctions on Iran, and we must seize it.

In conclusion, I urge all my colleagues to support the NDAA for FY13. It is a strong bill that provides critical funding and authorities to our military, and it has always been passed on a broad bipartisan basis. As I approach the end of my career in the Senate, I look back gratefully upon the annual floor debates on the NDAA as examples of the way this body should operate.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO MARSHA KREUCHER

Mr. LEVIN. Mr. President, tomorrow night will be bittersweet in Jackson, MI; it is the night the Community Action Agency will bid a formal farewell to its leader and CEO, Marsha Kreucher. For nearly a quarter century, the Community Action Agency has been guided by a leader with vision and compassion. Her work has been squarely focused on making the lives of those in need better. She has gone about this work with humility and tenacity, ensuring that her work and the work of the agency she leads does its part to improve the lives of the countless people served by the Community Action Agency.

The roots of poverty are complex and deep. Marsha's work, which takes a holistic and innovative approach to promoting self-sufficiency among at-risk and low-income residents, has sought to identify the issues associated with poverty and develop programs to alleviate them. Her efforts have reaped many rewards for the residents of Jackson, Lenawee, and Hillsdale counties and have improved their economic, social, and health conditions as a consequence.

In the late 1980s, when she began working at the Community Action Agency, the agency administered about two dozen programs and had a budget of roughly $4 million. Nearly a quarter century later, the agency serves more than 27,000 residents annually through more than 80 programs with a budget that averages around $20 million. This is impressive growth and a testament to the quality of service the agency provides and the talent of those leading the way.

It doesn't take very long to observe the profound impact the Community Action Agency has had on this region in the last two decades. The Center for Healthy Beginnings was established and currently provides full health care services to more than 27,000 residents annually. The Partnership Park Downtown Neighborhood Project was formed to help revitalize and redevelop a 23-block area in Jackson, MI, through $15 million in investments. More than 1,000 children a year receive early childhood education opportunities through agency activities. And thousands of families receive free assistance filing their income tax returns each year. These are but a few examples of the good work of this impressive agency and a glimpse

of the range of services they provide with Marsha Kreucher as a driving force.

Marsha is not just an accomplished leader; she is also a willing mentor and tireless community servant. She sits on a number of nonprofit boards and works to bring various stakeholders together to seek out fresh ways to combat the issues related to poverty. She is always willing to lend an ear or to provide insight to others. Her vision and her ideas have helped spark innovation and creativity, planting the seeds for a brighter future.

Marsha recently said to a local paper about her life after retirement, ''It's almost hard to comprehend the difference my life will have without it.'' I say to her today that it is hard to imagine how different the Jackson community would be without her vision, leadership, and hard work over the last two decades. She has worked tirelessly and fiercely to make a positive impact on the lives of those in need, and she has done so with grace and determination. I congratulate her on a job well done and wish her the best as she begins her next, exciting journey.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, this fall also marks the 10th anniversary of the passing of another great Senator, Paul Wellstone, and his wife Sheila. They were dear friends. Among the many things for which they are fondly remembered is the important work they did to combat domestic violence and help victims. We have made much progress on this issue, in large part thanks to the Violence Against Women Act, which has long demonstrated the bipartisan commitment to work together against domestic violence and rape.

Sadly, so much remains to be done. Recent reports find that almost one in four women have experienced severe domestic violence, and nearly one in five women have been raped. In some communities, the picture is much worse. According to the Department of Health and Human Services, one in five female college students will be a victim of sexual assault during college. A recent study found that three out of five Native American women have been assaulted by a spouse or intimate partner.

The bipartisan Leahy-Crapo Violence Against Women Reauthorization Act includes vital provisions to help these and other particularly vulnerable victims. As the New York Times observed this weekend:

> The act's reauthorization is must-do business for the lame-duck session. Mr. BOEHNER should relent and allow the House to vote on the Senate bill.

I ask that the full Times editorial be printed in the RECORD.

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

[From the New York Times, Nov. 24, 2012]

THE G.O.P. AND VIOLENCE AGAINST WOMEN

If Republicans are serious about repairing their party's standing among women, gay and Hispanic voters, they need to adjust some policies and stop sending hostile messages. A good place to start would be for Republicans in the House to stop blocking reauthorization of the Violence Against Women Act over provisions deemed too protective of gay and immigrant victims of domestic violence and sexual assault.

The 1994 law remains crucial to the nation's efforts to combat domestic violence, sexual assault and stalking. Previous reauthorizations sailed through Congress.

A thoughtful renewal measure introduced by Senator Patrick Leahy, a Vermont Democrat and Judiciary Committee chairman, and Senator Michael Crapo, an Idaho Republican, cleared the Senate in April with strong bipartisan support. But it has hit a wall in the Republican-led House. Instead, House Republicans pushed through a regressive version of the measure that omits new protections for gay, bisexual or transgender victims of abuse.

The House bill also left out a needed increase in the number of visas, known as U visas, available for undocumented immigrants who are victims of domestic violence and sexual assaults. And it would reduce the incentive for frightened victims to come forward by ending the current ability of U visa holders to apply for permanent residency after three years.

Speaker John Boehner and his Republican colleagues blame Democrats for the impasse, suggesting the Democrats inserted changes to invite opposition and score political points. But the provisions at issue respond to real humanitarian and law enforcement needs identified by experts working in the field.

By refusing to accept the principle of protecting all victims of domestic violence, House Republican leaders are conveying a belief that rapes of gay people and immigrant women are not ''legitimate'' rapes, as Representative Todd Akin, the failed Republican candidate for the Senate from Missouri, put it so appallingly. Is that really what Republicans want to stand for?

The act's reauthorization is must-do business for the lame-duck session. Failure to agree on a bill would mean having to start the legislative process all over again next year. Mr. Boehner should relent and allow the House to vote on the Senate bill. There is a chance it would not muster sufficient Republican votes to pass. But at least it would give Republican representatives who value moderation a chance to dissociate themselves from the narrow-minded prejudices and politics hurting their party.

Mr. LEAHY. Friday will mark a year since Senator CRAPO and I introduced this bill. We have kept victims waiting too long. We should come together to act now.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, it has now been more than 3 weeks since President Obama was reelected by the American people, and Senate Republicans are still blocking votes on 19 judicial nominations who should have received confirmation votes before the Senate recessed for the election. Some of these nominees have been waiting close to 9 months for a vote. It is time for us to come together to do what is right and to act in the interests of the American people.

We should begin by having an up or down vote on the longest-pending nomination. The nomination of Patty Shwartz to the Third Circuit Court of Appeals has been ready for a final vote since last March 8. Judge Shwartz received a unanimous well-qualified rating from the nonpartisan ABA Standing Committee on the Federal Judiciary, its highest possible rating, and it is well past time for the Senate to vote on her nomination.

Regrettably, the Senate has not been allowed to make real progress for the American people by reducing the number of judicial vacancies. There were more than 80 vacancies when the year began. There were more than 80 vacancies when in March the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. There are now more than 80 vacancies once again. In stark contrast, there were only 29 vacancies at this point in President George W. Bush's first term.

There is no justification for holding up final Senate action on the 19 judicial nominations that have been approved by the Senate Judiciary Committee and are pending on the Senate Executive Calendar. President Obama has consistently reached across the aisle, consulted with home state Senators from both parties and appointed moderate, well-qualified judicial nominees. It is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people without further delay. Delay for delay's sake is wrong and should end.

Senate Republicans have engaged in unprecedented obstruction and a contorted rewriting of the ''Thurmond Rule'' in their refusal to proceed on consensus nominees. Whatever justification Senate Republicans contended they had by resort to their misapplication of the Thurmond Rule to stall judicial nominations before the election is gone. The American people have voted and chosen to reelect President Obama. It is time for the Senate to vote.

From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote. That is something Senate Democrats have not done in any lame duck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including one very controversial circuit court nominee, in the lame duck session after the elections in 2002. I remember, I was the chairman of the Judiciary Committee who moved

forward with those votes. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006, and proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, as well. The reason that I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee before the election recess in September.

Republicans can no longer claim the ''Thurmond Rule'' is the reason they are holding up nominations since the American people reelected President Obama. Having said in September that they objected to proceeding because of the impending election, Senate Republicans cannot now say that their insistence on delay has made it too late in the year to proceed with confirmations. That is wrong and it results in denying Americans the judges they need to administer justice around the country.

I implore Senators to put their partisanship aside and work with the President on behalf of the American people. That is what the American people voted for in the last election. Delaying confirmation votes on nominees for the sole purpose of delay is precisely what the American people repudiated when they cast their ballots. Further delays on the 19 nominees before us do not benefit the American people.

I am encouraged that several Republican Senators have recognized this, and have said that they want votes on their home State nominees. The Republican Senators from Oklahoma and Maine, and Senator TOOMEY from Pennsylvania have all advocated for up or down votes on nominees during this lame duck session, and they are right to do so. They know that filling those judicial vacancies in their States is important.

A judge in Florida has written that persistent vacancies ''jeopardize our Court's ability to deliver the quality of justice that the citizens of Florida deserve and will inhibit our citizens' access to justice.'' Sadly, Senate Republicans' tactics of delay and obstruction has perpetuated the high level of judicial vacancies around the country. Continuing these tactics hurt the Federal courts and the American people they are intended to serve. This is a problem that has a commonsense solution: Let the Senate vote on consensus nominees that have been stalled.

With the number of judicial vacancies now at 83, and with all pending nominees having waited at least 4 months for a vote, it is past time for Senate Republicans to abandon these tactics. This obstruction is not good for the country. How does preventing a vote on Patty Shwartz benefit the people of New Jersey, Pennsylvania, and Delaware? How does preventing a vote on Richard Taranto benefit Americans who seek to have their claims resolved by the Federal Circuit? How does preventing a vote on William Kayatta benefit the people of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico? How does preventing a vote on Robert Bacharach benefit the people of Oklahoma, Colorado, Kansas, New Mexico, Utah, and Wyoming? How does preventing a vote on Michael Shea benefit the people of Connecticut? How does preventing a vote on John Dowdell benefit the people of Oklahoma? How does preventing a vote on Paul Grimm benefit the people of Maryland? How does preventing votes on Mark Walker and Brian Davis benefit the people of Florida? How does preventing a vote on Terrence Berg benefit the people of Michigan? How does preventing votes on Jesus Bernal, Fernando Olguin, William Orrick, and Jon Tigar benefit the people of California? How does preventing votes on Lorna Schofield and Frank Geraci benefit the people of New York? How does preventing votes on Matthew Brann and Malachy Mannion benefit the people of Pennsylvania? How does preventing a vote on Thomas Durkin benefit the people of Illinois? How does preventing votes on these nominees help the American people receive speedy justice?

If we can just have up or down votes on these 19 nominees, we can fill almost one-quarter of our Nation's judicial vacancies, and almost one-third of all judicial emergency vacancies. Most importantly, we can make it easier for hardworking Americans to have access to justice.

President Obama has worked with home State Senators and all of these nominees have the support of their home State Senators. Seven of them are supported by Republican home State Senators. Seventeen of these nominees received bipartisan support on the Judiciary Committee.

When Ronald Reagan, George H.W. Bush and George W. Bush were President, Senate Democrats cleared the calendar of all but the most controversial and extreme ideological judicial nominations. The Senate needs to be allowed to vote on President Obama's judicial nominees now so that our Federal courts are better able to function and fulfill the fundamental guarantee of providing access to justice. Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts make it hard to keep this promise, the Senate should work in a bipartisan manner to help.

I have asked, now that the American people have reelected President Obama, for Senate Republicans to work with us to fill these longstanding judicial vacancies. The American people deserve no less.

WORLD AIDS DAY 2012

Mr. NELSON of Florida. Mr. President, Saturday we mark another World AIDS Day dedicated to showing our support of people living with HIV. In the 24 years since the first such day, we have seen great progress in the fight against the spread of this disease.

But there is still much more that needs to be done, not the least of which includes increasing public awareness. So this World AIDS Day, especially in memory of those who have died from this disease, let us recommit to ending this epidemic once and for all.

My State of Florida has been hit particularly hard by this epidemic: over 100,000 people are living with HIV/AIDS. And for too long, Florida had a long waiting list of low income residents waiting for assistance to afford the high cost of life saving medications. At times, this list grew to over 4,000 Floridians.

Thankfully, we have made great progress over the past year through increased State and Federal investment—and, Florida's wait list is now down to 56 individuals. But no one should have to forgo life saving drugs because they can't afford them.

In the days ahead when Congress is considering ways to tighten our belt, I would urge my colleagues to avoid blindly slashing these life saving programs.

We also must remain committed to funding the goals of President Barack Obama's Emergency Plan for AIDS Relief globally. Among the goals is to provide care for the more than 12 million people with HIV around the world, including some 5 million orphans and children.

Mr. President, this is not, and should not be partisan issue for lawmakers. As former President George W. Bush noted in 2008, it's a question of our moral interest.

''We believe in the timeless truth,'' the president said, ''to whom much is given, much is required.''

REMEMBERING TINKHAM VEALE II

Mr. PORTMAN. Mr. President, today I wish to honor the life of Tinkham ''Tink'' Veale II. Mr. Veale was a successful entrepreneur and philanthropist who contributed greatly to the success of numerous businesses and community institutions throughout northeast Ohio and beyond during his long life. The impact and proud legacy of his business expertise and generosity will be realized for many years to come.

Mr. Veale was born in 1914 in Topeka, KS and moved to the Cleveland area as a child when his father joined the Eaton Corporation. He attended Heights High School and Case Institute of Technology, graduating with a bachelor's degree in mechanical engineering. Mr. Veale worked for several companies including General Motors. In 1941 he married Harriett Ernst, of the Ernst and Young accounting family, who passed away in 1998. The couple had three children, seven grandchildren and eight great grandchildren.

In the 1960s, Veale and his associates formed Alco Standard Corporation.

Veale developed the philosophy and strategy he referred to as ''corporate partnership,'' through which his company acquired and financed small businesses while keeping their original management structures in place. His success grew from buying small companies and helping them to succeed through keeping their management in place while contributing with capital and strategic direction. Over the years, the company operated many businesses representing diverse industries including manufacturing, mining, and banking, as well as operating office equipment and paper distribution businesses. Veale served as Alco's president and chairman until 1971 and stayed on as chairman until 1986. By 1987, the company had 175 businesses with 16,000 employees in the United States and Europe.

Mr. Veale had a unique spirit and love of life. Over the years he was active in a variety of community organizations, served as a councilman in Gates Mills, OH, and was known for raising thoroughbred horses. Perhaps most significant, was his generous philanthropy which continues to benefit communities, students and institutions in Ohio. He was a notable supporter of his alma mater, Case Western Reserve University, where the most recent pledge of $20 million from The Veale Foundation is being utilized for construction of a new university center, which will be named in his honor.

Tink Veale was a role model and a source of inspiration to us all. He will be greatly missed, and his extraordinary legacy and giving spirit will not be forgotten.

ADDITIONAL STATEMENTS

SCONTSAS FINE JEWELRY AND HOME DÉCOR 100TH ANNIVERSARY

• Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate Scontsas Fine Jewelry and Home Décor, a small business in my hometown of Nashua, NH, as it celebrates its 100th year in business.

Scontsas, which began as a shoe shining and repair business and hat blocking service, is now a third generation, family owned small business that specializes in fine jewelry and home gifts and decoration. A century ago, a Greek immigrant named George J. Scontsas first opened his doors at 173 Main Street in Nashua, and ever since, his family's business has remained a permanent fixture at this same downtown location. The Scontsas legacy, by any measure, is a testament to the entrepreneurial spirit that makes America great.

In an effort to expand his customer base, George began stocking greeting cards, and by the mid-1940's, his store became the first Hallmark store in Nashua. The Scontsas family business continued to expand by selling children's toys, books, yarn, and gifts.

In 1974, George's son Peter, and his wife Joan, purchased deMontigny Jewelers in the adjacent building. Since Peter Scontsas' passing in 1995, his son Phillip and daughter-in-law Amalia have served as the principal owners of the business. Together, the Scontsas family developed a new department within the family store, featuring home and garden décor.

Since its inception, Scontsas has focused not only on growing bigger, but also on growing better. The reasons for the Scontsas family's success are many. Chief among them are the family's commitment to building enduring relationships with their customers and their strong community involvement. Scontsas Fine Jewelry and Home Décor prides itself on treating every customer like a member of the family.

In typical fashion, the Scontsas family decided to celebrate their business' 100th birthday by giving back to the Nashua community in a series of events this year. The year long celebration showcased their strong roots in the community while promoting their products. I had the pleasure of attending the city of Nashua's Annual Holiday Stroll this past weekend, where the Scontsas family unveiled their limited edition 100 Year Holiday ornament for their loyal customers.

As Nashua helps the Scontsas' celebrate a century of family, business, and community, I ask my colleagues to join me in recognizing Scontsas Fine Jewelry and Home Décor's 100th anniversary.•

REMEMBERING WAYNE BURKE

• Mr. HELLER. Mr. President, today I wish to recognize a true Nevadan and friend, Wayne Burke, who has been honored by the Nevada Indian Commission as American Indian Community Leader of the Year. As tribal chairman for the Pyramid Lake Paiute Tribe, Wayne led the tribal council through many successes for the betterment of Nevada. Wayne's untimely passing is a great loss, but his legacy of community and economic development in the Silver State will never be forgotten.

In addition to serving the State of Nevada, Wayne bravely served our Nation in the U.S. Marine Corps from 1993 until his honorable discharge in 1997. As a U.S. Marine Corps veteran, Wayne understood the importance of supporting those who defend our Nation. He was a member of Numu Tookwasu—Pyramid Lake Veterans and Warriors Association—and a staunch advocate for Native American veteran affairs. His vision helped launch Nevada's first annual American Indian Veteran Summit this year, which invited members of the 27 tribes of Nevada to learn about access to veteran benefits and healthcare. His legacy will help raise awareness and resources for Native American veterans for years to come.

As tribal chairman, Wayne promoted an award winning Pyramid Lake economic development and tourism plan. His advocacy for the recovery and restoration of the Pyramid Lake fishery helped to secure over 1,000 acres of water, the most in any one-month period. Under his leadership, the Pyramid Lake Tribe has enjoyed a record number of visitors to Pyramid Lake and, subsequently, numerous tourism awards. In August 2012, Wayne became the first Native American leader to serve on the Nevada Commission on Tourism.

The citizens of the Silver State were privileged that such a passionate and dedicated leader called Nevada home. My thoughts and prayers go out to his wife, Leticia; and children, Alex, Christian, and Soleil. Today, I ask my colleagues to join me in celebrating the life of a devoted Nevadan and honoring his esteemed accomplishments.•

TRIBUTE TO STEVE RANSON

• Mr. HELLER. Mr. President, today I wish to congratulate Steve Ranson on his 25 years with the Lahontan Valley News. Nevadans are fortunate to read his reporting every day and to have a dedicated voice serving the community. I applaud Steve's hard work and dedication to our Nation's brave men and women that serve in our Armed Services and the field of journalism.

Steve joined the staff in 1986 as a part-time sports writer and editor. Today, he has grown to be one of Nevada's leading reporters. Steve's journalism, reporting, and newsroom leadership has earned him countless awards including Outstanding Journalist from the Nevada Press Association. His nomination for this award also reflects his extensive overseas travel to cover the U.S. Navy and Nevada Army National Guard in Southwest Asia and Afghanistan. His series of stories covering the war efforts earned him first place awards for community service and for best explanatory journalism from the Nevada Press Association.

As a lieutenant colonel who retired in 2009 after serving in the National Guard and U.S. Reserve, understanding the role of the military came easily for Steve. During his 28 years of service, Steve participated in two tours to the Republic of Korea and Panama. I would like to extend my gratitude to Steve for his service to this great Nation and State. I am both humbled and honored by the sacrifices made by the brave men and women who have served our country.

Steve's 25 years of service with the Lahontan Valley News is a true testament to his character. I wish him all the best in his future endeavors and look forward to reading more of his great work. Today, I ask my colleagues to join me today in congratulating Steve on his 25 years with the Lahontan Valley News.•

REMEMBERING RICHARD WILKINS

• Mr. LEE. Mr. President, Today I wish to pay tribute to my professor and my

friend Richard Wilkins who passed away on Monday. Richard was truly a renaissance man, a law professor turned international advocate who also enjoyed unique local notoriety for his 27 consecutive performances as Ebenezer Scrooge in the Hale Center Theater's annual production of A Christmas Carol.

In the canon of literary classics, Charles Dicken's Scrooge is a beloved but unlikely hero, a selfish miser turned community benefactor. Wilkins embraced the dynamic nature of Scrooge's transformation and saw the role as an opportunity to convey much deeper lessons regarding the values of family and personal improvement. The Hale Center opened in 1985 and cast then 32-year-old Richard as Scrooge, certainly unaware that they had found their star for the next 27 consecutive seasons.

In 2005, Her Highness Sheikha Moza bint Nasser, the queen of Qatar asked him to move to Qatar to lead an institute for family studies. He would not agree until she assured him he would be able to return to the Hale Center every Christmas season to take up his top hat and bathrobe to reprise his role as Scrooge. Richard loved delivering Scrooge's famous line ''I will honor Christmas in my heart, and try to keep it all the year. I will live in the past, the present, and the future.'' Those close to Richard undoubtedly agree that he took these words to heart, carrying the spirit of Christmas into all other aspects of his life.

Richard graduated from my alma mater Brigham Young University Law School in 1979. He served as an assistant to my father, Solicitor General Rex Lee and argued several cases before the United States Supreme Court. Just 5 years after his graduation from BYU Law School he returned to teach constitutional law and civil procedure. He was a gifted public speaker, well known for his engaging lectures in the classroom and scholarly insights on the law. He had a unique intelligence that propelled him to prominence in the legal world and established him as a powerful voice the international community.

Richards's greatest contribution to the world came as an international advocate for family values. His first exposure to the family values movement came in an academic effort to change the language the United Nations used to portray issues relating to the family. After engaging with international leaders on critical family values issues his academic curiosity turned into a personal mission. He traveled around the world presenting papers on the importance of traditional marriage, the need to protect children and the sanctity of life and other family centered topics. He served as the managing director of the Doha International Institute for Family Studies and Development for the nation of Qatar and founded the World Family Policy Center at BYU. His leadership as chairman of the Defend Marriage Coalition placed him at the forefront of Utah's debate over traditional marriage. Richard's fiery passion for causes related to traditional family values was matched by his warmth and love for those around him. He could disagree with individuals and groups but was never disagreeable.

Richard Wilkins' life serves as an illustration of the renowned biblical charge ''Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven.'' He was a man blessed with tremendous talents and he used those talents to bless all those with whom he came in contact, in his own community and around the world. Richard's global vision and reach brought the power of family values to the forefront of international discourse, particularly in developing nations striving to solidify a cultural identity. Sharon and I would like to express our deepest condolences to Richard's wife Melany, their four children Brooke, Brinton, Claire and Rex and their eight grandchildren.●

MESSAGE FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Lance Corporal Victor A. Dew Post Office''.

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the ''Brigadier General Nathaniel Woodhull Post Office Building''.

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the ''Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex''.

H.R. 5788. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the ''National Park Ranger Margaret Anderson Post Office''.

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the ''Sergeant Leslie H. Sabo, Jr. Post Office Building''.

H.R. 6374. An act to designate the facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, as the ''Trinka Davis Veterans Village''.

H.R. 6604. An act to designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the ''Thomas P. O'Neill, Jr. Federal Building''.

MEASURES REFERRED

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

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Lance Corporal Victor A. Dew Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the ''Brigadier General Nathaniel Woodhull Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

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H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the ''Sergeant Leslie H. Sabo, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H. R. 6374. An act to designate the facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, as the ''Trinka Davis Veterans Village''; to the Committee on Veterans' 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–8290. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Commission's Program Access Rules et al'' (MB Docket No. 12–68 et al; FCC 12–123) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8291. 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; Bering Sea and Aleutian Islands Management Area; Amendment 97'' (RIN0648–BB18) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8292. 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 Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 34'' (RIN0648–BB72) received during adjournment of the Senate in the Office of the President of the

Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8293. 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; Silky Shark Management Measures'' (RIN0648–BB96) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8294. 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; Correction'' (RIN0648–BB67) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8295. 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 Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule Extension, Closure of the Delmarva Access Area'' (RIN0648–BC04) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8296. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Second Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non-Pollock Groundfish Fishery'' (RIN0648–BB06) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8297. 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 Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 20A'' (RIN0648–AY74) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8298. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reef Fish Fishery of the Gulf of Mexico; Gulf of Mexico Individual Fishing Quota Programs'' (RIN0648–XC227) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8299. 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 Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2012 Days-at-Sea Adjustment for Common Pool Fishery; Announcement of Fishing Year 2011 Sector Annual Catch Entitlement Carryover'' (RIN0648–XC168) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8300. 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 Northeastern United States; Bluefish Fishery; Quota Transfer'' (RIN0648–XC235) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8301. 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; Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC224) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8302. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for Yellowtail Snapper in the South Atlantic'' (RIN0648–XC229) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8303. 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–XC206) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8304. 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 620 in the Gulf of Alaska'' (RIN0648–XC207) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8305. 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 Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested'' (RIN0648–XC201) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8306. 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 Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper'' (RIN0648–XC134) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8307. 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. 15 through No. 21'' (RIN0648–XC223) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8308. 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; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC278) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8309. 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 Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 3'' (RIN0648–XC157) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8310. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2012–2013 Accountability Measure and Closure for Commercial Black Sea Bass in the South Atlantic'' (RIN0648–XC152) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8311. 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 Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XC270) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8312. 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 630 in the Gulf of Alaska'' (RIN0648–XC271) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8313. 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; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC320) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8314. 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 Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Gag and South Atlantic Shallow-Water Grouper'' (RIN0648–XC135) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8315. 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 Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit'' (RIN0648–XC290) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8316. 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; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC324) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8317. 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; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC204) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8318. 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; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC129) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8319. 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; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC323) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8320. 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 620 in the Gulf of Alaska'' (RIN0648–XC319) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8321. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hispanic-Serving Agricultural Colleges and Universities (HSACU)'' (RIN0524–AA39) received during adjournment in the Office of the President of the Senate on November 16, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Pesticide Tolerances'' (FRL No. 9366–1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8323. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five (5) Selected Acquisition Reports (SARs) for the quarter ending September 2012; to the Committee on Armed Services.

EC–8324. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List'' (RIN0694–AF80) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8325. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8326. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Health and Safety Data Reporting; Addition of Certain Chemicals'' (RIN2070–AJ89) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard'' (FRL No. 9757–1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley United Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD)'' (FRL No. 9737–1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)'' (FRL No. 9730–3) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8330. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Consumer Products Regulations'' (FRL No. 9755–2) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8331. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions'' (FRL No. 9754–9) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8332. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania, Allegheny County Incorporation by Reference of Pennsylvania's Control of NO_X Emissions from Glass Melting Furnaces'' (FRL No. 9755–4) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8333. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Florida; Regional Haze State Implementation Plan'' (FRL No. 9755–8) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8334. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; City of Albuquerque—Bernalillo County, New Mexico; Interstate Transport Affecting Visibility and Regional Haze Rule Requirements for Mandatory Class I Areas'' (FRL No. 9755–5) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Revenue Procedure 2007–44'' (Rev. Proc. 2012–50) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC–8336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Regulations to be Issued Regarding the Deduction and Capitalization of Expenditures Related to Tangible Property'' (Notice 2012–73) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC–8337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2012'' (Rev. Rul. 2012–31) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC–8338. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–139, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–8339. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting,

pursuant to law, an addendum to a certification, transmittal number: DDTC 12–155, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–8340. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–135); to the Committee on Foreign Relations.

EC–8341. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–150); to the Committee on Foreign Relations.

EC–8342. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–127); to the Committee on Foreign Relations.

EC–8343. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–092); to the Committee on Foreign Relations.

EC–8344. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Updating OSHA Standards Based on National Consensus Standards; Head Protection'' (RIN1218–AC65) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–8345. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Prevention and Reduction of Underage Drinking''; to the Committee on Health, Education, Labor, and Pensions.

EC–8346. A communication from the Chairman, U.S. Nuclear Regulatory Commission, 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–8347. A communication from the Administrator of the Agency for International Development (USAID), 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–8348. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC–8349. 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 ''Authorization for non-VA Medical Services'' (RIN2900–AO47) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Veterans' Affairs.

EC–8350. 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 B Airspace; Salt Lake City, Utah'' ((RIN2120–AA66) (Docket No. FAA–2011–0438)) 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–8351. A communication from the Program Analyst, Financial Operations Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessment and Collection of Regulatory Fees for Fiscal Year 2012'' (FCC 12–116) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8352. 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; Port Huron Offshore Gran Prix, St. Clair River; Port Huron, MI'' ((RIN1625–AA00; RIN1625–AA–08) (Docket No. USCG–2012–0700)) 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–8353. 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 Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC'' ((RIN1625–AA00; RIN1625–AA–08) (Docket No. USCG–2012–0482)) 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–8354. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Guides for the Use of Environmental Marketing Claims'' (16 CFR Part 260) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8355. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2012 annual report; to the Committee on Commerce, Science, and Transportation.

EC–8356. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts—III''; to the Committee on Commerce, Science, and Transportation.

EC–8357. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Cross Waivers of Liability Clauses'' (RIN2700–AD55) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8358. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Commercial Acquisition; Anchor Tenancy'' (RIN2700–AD64) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8359. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, an external peer review report on the Commission's audit activities; to the Committee on Commerce, Science, and Transportation.

EC–8360. A communication from the Secretary, Bureau of Trade Affairs, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission's Rules of Practice and Procedure'' (RIN3072–AC43) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8361. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters'' ((RIN1625–AA32) (Docket No. USCG–2012–10486)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8362. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Deadline to Amend for Section 436'' (Notice 2012–70) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC–8363. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice'' (16 CFR Parts 2 and 4) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8364. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Private Land Mobile Radio Rules'' (FCC 12–114) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8365. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; WT Docket No. 07–293; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band; IIB Docket No. 95–91'' (FCC 12–130) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8366. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of 2006 Biennial Regulatory Review—Revision of Part 25'' (FCC 12–116) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8367. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randsburg, California)'' (MB Docket No. 12–177) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8368. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustment Rule'' (Docket No. EP 716—Board Decision 42595) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8369. A communication from the Office Director of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Expansion of Fagatele Bay National Marine Sanctuary, Regulatory Changes, and Sanctuary Name Change'' (RIN0648–BA24) received in the Office of the President of the Senate on November 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8370. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Play Yards'' (RIN3041–AC92) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8371. A communication from the Acting Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rules'' (RIN3084–AB19) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8372. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''National Plan of Integrated Airport Systems (NPIAS) 2013–2017''; to the Committee on Commerce, Science, and Transportation.

EC–8373. A communication from the Chief of the Government Affairs Division, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Manager's Financial Integrity Act and revised Office of Management and Budget (OMB) Circular A–123; to the Committee on Commerce, Science, and Transportation.

EC–8374. A communication from the General Counsel, National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice in Air Safety Proceedings'' (Docket No. NTSB–GC–2011–0001) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2471. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Colonel Stephen J. Linsenmeyer, Jr., to be Brigadier General.

Air Force nomination of Col. Calvin H. Elam, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. Mark E. Bartman and ending with Brig. Gen. Eric G. Weller, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2012. (minus 1 nominee: Brig. Gen. James C. Witham)

Air Force nominations beginning with Colonel Glen M. Baker and ending with Colonel Randall A. Spear, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2012. (minus 2 nominees: Colonel Richard W. Kelly; Colonel Jill J. Nelson)

Army nomination of Colonel John H. Hort, to be Brigadier General.

Army nomination of Brig. Gen. Joseph Caravalho, Jr., to be Major General.

Army nomination of Col. Clayton M. Hutmacher, to be Brigadier General.

Army nomination of Col. Kyle E. Goerke, to be Brigadier General.

Army nomination of Col. Peter A. Bosse, to be Brigadier General.

Army nomination of Col. Joseph E. Whitlock, to be Brigadier General.

Army nomination of Brig. Gen. Karen E. LeDoux, to be Major General.

Army nomination of Brig. Gen. David G. Clarkson, to be Major General.

Army nomination of Maj. Gen. Mark A. Milley, to be Lieutenant General.

*Marine Corps nomination of Lt. Gen. John M. Paxton, Jr., to be General.

*Marine Corps nomination of Gen. Joseph F. Dunford, Jr., to be General.

Navy nomination of Rear Adm. Kenneth E. Floyd, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Demea A. Alderman and ending with Felisa L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nomination of William A. Christmas, to be Colonel.

Army nomination of Alan F. Pomaville, to be Colonel.

Army nomination of James Bentley, to be Colonel.

Army nomination of Vincent D. Thompson, to be Colonel.

Army nomination of Luis F. Diaz, to be Major.

Army nomination of David C. Buckhannon, to be Major.

Army nomination of Anthony Cascarano, to be Major.

Army nomination of Rena L. P. Hope, to be Major.

Army nomination of Derek D. Hyun, to be Major.

Army nomination of Michael T. Simpson, to be Major.

Army nomination of Michael D. Pierce, to be Lieutenant Colonel.

Army nomination of Tammie E. Crews, to be Lieutenant Colonel.

Army nominations beginning with Kenneth M. Jordan and ending with Suzanne McNellis, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Madlene M. Eskarose and ending with Alexander K. Jhang, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Milton J. Foust and ending with Charles E. Lerner, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with William T. Monacci and ending with Hua C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Stephen J. Dalal and ending with Timothy L. Settle, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Jesse J. Abbott and ending with Rhett M. Starnes, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with John E. Balser and ending with Scott W. Shaffer, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Francisco Diazgonzalez and ending with David B. Webb, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Gregory M. Barrow and ending with James E. Vallee, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Gregory L. Bowman and ending with D011022, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Tracy L. Baker and ending with Gayla W. Wilsondunn, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Brian Almquist and ending with D011046, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Navy nomination of Terry N. Traweek, to be Lieutenant Commander.

Navy nomination of Stefanie M. Wheelbarger, to be Lieutenant Commander.

Navy nomination of Carl A. Riddick, to be Captain.

Navy nominations beginning with Kevin S. Hart and ending with Michael J. Jacques, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

Angela Tammy Dickinson, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 3647. A bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3648. A bill to exclude from gross income for purposes of the Internal Revenue Code of 1986 any payments made from the Aurora Victim Relief Fund to the victims of the tragic event at the Century 16 Cinema in Aurora, Colorado, on July 20, 2012; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3649. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO):

S. 3650. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself and Mr. ALEXANDER):

S. Res. 603. A resolution designating the week of November 26 through November 30, 2012, as National Nurse-Managed Health Clinic Week; considered and agreed to.

By Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 604. A resolution relative to the death of the Honorable Warren B. Rudman, former United States Senator for the State of New Hampshire; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1086

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1728

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1908

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1908, a bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organization, and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2347

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3487

At the request of Mr. COBURN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3487, a bill to provide for auditable financial statements for the Department of Defense, and for other purposes.

S. 3616

At the request of Ms. LANDRIEU, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3616, a bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

S. RES. 453

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 453, a resolution expressing the sense of the Senate that supporting seniors and individuals with disabilities is an important responsibility of the United States, and that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life.

S. RES. 518

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 518, a resolution congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

S. RES. 595

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut

(Mr. BLUMENTHAL), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. THUNE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 595, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 2940 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. 2941

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2941 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. 2946

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2946 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. 2962

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2962 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. 2970

At the request of Mr. INHOFE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2970 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 name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor 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. 2989

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mr. BURR) was withdrawn as a cosponsor of amendment No. 2989 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 Alaska (Mr. BEGICH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Delaware (Mr. COONS) and the Senator from New York (Mrs. GILLIBRAND) 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 names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors 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. 2999

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2999 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. 3004

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of amendment No. 3004 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. 3005

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 3005 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 name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor 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. 3014

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3014 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. 3017

At the request of Mr. REED, the name of the Senator from Colorado (Mr. BENNET) 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 Alaska (Mr. BEGICH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 3018 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. 3021

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3021 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. 3025

At the request of Mr. CARDIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3025 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 Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3025 intended to be proposed to S. 3254, supra.

AMENDMENT NO. 3026

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3026 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. 3029

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3029 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. 3049

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 3049 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. 3058

At the request of Mrs. GILLIBRAND, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 3058 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. 3059

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3059 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. 3063

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3063 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. 3066

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3066 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. 3073

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 3073 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. 3081

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3081 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. 3085

At the request of Mr. VITTER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3085 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. LANDRIEU, her name was added as a cosponsor of amendment No. 3085 proposed to S. 3254, supra.

AMENDMENT NO. 3090

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. COONS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3090 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. MURKOWSKI, her name was added as a cosponsor of amendment No. 3090 proposed to S. 3254, supra.

AMENDMENT NO. 3095

At the request of Mrs. HAGAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. COONS), the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 3095 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. 3096

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 3096 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 Mr. BLUMENTHAL, his name was added as a cosponsor of amendment No. 3096 proposed to S. 3254, supra.

AMENDMENT NO. 3102

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3102 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. 3103

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3103 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. 3104

At the request of Mr. TOOMEY, his name was added as a cosponsor of amendment No. 3104 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. 3105

At the request of Ms. KLOBUCHAR, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3105 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. 3106

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3106 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. 3111

At the request of Mr. COBURN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3111 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. 3122

At the request of Mr. WICKER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3122 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. 3124

At the request of Mr. BLUMENTHAL, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3124 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. 3138

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3138 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. 3144

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3144 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. 3145

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 3145 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. 3153

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3153 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. 3154

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3154 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. 3158

At the request of Mr. CORNYN, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 3158 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. 3175

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3175 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. 3179

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 3179 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. 3180

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Ms. STABENOW), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3180 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. 3181

At the request of Mr. WHITEHOUSE, the names of the Senator from Colorado (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 3181 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. 3182

At the request of Mr. SANDERS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 3182 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. 3183

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3183 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. 3184

At the request of Mr. CARPER, the names of the Senator from Virginia (Mr. WEBB), the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3184 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO):

S. 3650. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, today I am introducing bipartisan legislation that will improve the viability of agriculture and rural communities in western States like Colorado. This legislation will make it easier for mutual ditch and irrigation companies, which are an integral part of agriculture in arid regions where you often have to transport irrigation water over long distances, to remain profitable.

I thank my colleagues Senators CRAPO, BENNET and BARRASSO for joining me in this effort.

Mutual ditch and irrigation companies are primarily associations of farmers who band together to construct and operate water delivery and storage systems for use on semi-arid farmland. For 150 years, mutual ditch and irrigation companies have installed and maintained this kind of infrastructure to convey water to irrigated lands in the West.

These companies can qualify for tax-exempt status if at least 85 percent of their income comes from their member assessments. The 85-percent rule is meant to ensure that the members of tax-exempt cooperatives are not able to enrich themselves by making investments unrelated to their charitable purpose.

Over time, however, the cost to maintain and operate aging water infrastructure has made it impossible for many mutual ditch and irrigation companies to operate solely on member income. If member assessments were large enough to cover the true cost of operations, it would be cost prohibitive for most farmers to use the water to irrigate crops, leading to a loss of irrigated farmland.

To sustain irrigated farmland, ditch and irrigation companies supplement the cost of operations with non-member income from, for example, recreational leases, crossing fees, storage rights and the exchange of water rights. This is a good thing, but this supplemental income can jeopardize the company's tax-exempt status.

My legislation would exempt certain sources of income from the 85-percent member income test for mutual ditch and irrigation companies. However, to be excluded, the revenue from these sources must be used for the tax-exempt purposes of the company. My legislation specifically requires non-member income to be used for operations or maintenance of the mutual ditch or irrigation company in order to be exempted from the 85-percent test.

By excluding these revenue streams, we can support local agriculture and help ditch and irrigation companies stay in business, while at the same time providing for more efficient use of precious water resources. Further, by requiring that the proceeds be used exclusively for operations and maintenance of the ditch or irrigation company, we will ensure that this income is reinvested in water infrastructure, helping to create and preserve rural jobs and our agricultural heritage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ditch and Irrigation Company Tax Reform Act''.

SEC. 2. FACILITATE WATER LEASING AND WATER TRANSFERS TO PROMOTE CONSERVATION AND EFFICIENCY.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) TREATMENT OF MUTUAL DITCH OR IRRIGATION COMPANIES.—

''(i) IN GENERAL.—In the case of a mutual ditch or irrigation company or like organization, subparagraph (A) shall be applied without taking into account any income received or accrued—

''(I) from the sale, lease, or exchange of fee or other interests in real property, including interests in water,

''(II) from the sale or exchange of stock in a mutual ditch or irrigation company or like organization or contract rights for the delivery or use of water, or

''(III) from the investment of proceeds from sales, leases, or exchanges under subclauses (I) and (II),

except that any income received under subclause (I), (II), or (III) which is distributed or expended for expenses other than operations and maintenance of the mutual ditch or irrigation company or like organization shall be treated as non-member income in the year in which it is distributed or expended. For purposes of the preceding sentence, expenses other than operations and maintenance include expenses for the construction of conveyances designed to deliver water outside of the mutual ditch or irrigation company or like organization system.

''(ii) TREATMENT OF ORGANIZATIONAL GOVERNANCE.—In the case of a mutual ditch or irrigation company or like organization, where State law provides that such a company or organization may be organized in a manner that permits voting on a basis which is pro-rata to share ownership on corporate governance matters, subparagraph (A) shall be applied without taking into account whether its member shareholders have one vote on corporate governance matters per share held in the corporation. Nothing in this clause shall be construed to create any inference about the requirements of this subsection for companies or organizations not included in this clause.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 603—DESIGNATING THE WEEK OF NOVEMBER 26 THROUGH NOVEMBER 30, 2012, AS NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. INOUYE (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 603

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of June 2011, more than 200 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers;

Whereas the 2011 report of the Institute of Medicine on the future of nursing highlights the work nurse-managed health clinics are doing to reduce health disparities by bringing evidence-based care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 26 through November 30, 2012, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

SENATE RESOLUTION 604—RELATIVE TO THE DEATH OF THE HONORABLE WARREN B. RUDMAN, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW HAMPSHIRE

Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 604

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas, while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas, with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3188. 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.

SA 3189. 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 3190. Mr. SANDERS (for himself 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 3191. 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 3192. Mr. COONS (for himself 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 3193. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARDIN, Mrs. BOXER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3194. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, Mrs. GILLIBRAND, 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 3195. 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 3196. 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 3197. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3198. 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 3199. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3200. 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 3201. Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3202. Mr. GRAHAM (for himself, Ms. AYOTTE, 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 3203. Mr. GRAHAM (for himself, Mr. SCHUMER, Mr. BARRASSO, Mr. MENENDEZ, 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 3204. 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 3205. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and 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 3206. 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 3207. Mr. FRANKEN (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 3208. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3209. 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 3210. 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 3211. Mr. RUBIO (for himself, Mr. WYDEN, 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 3212. 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 3213. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3214. 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 3215. Mr. BROWN of Ohio (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3216. Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3217. Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3218. Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3219. Mr. BURR (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 3220. Mr. WICKER (for himself, Mr. LIEBERMAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3221. Mr. BOOZMAN (for himself, Mr. RUBIO, Mr. PRYOR, Mrs. GILLIBRAND, Mr. BEGICH, 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 3222. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3223. Mr. DURBIN (for himself, Mr. ENZI, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. JOHNSON of South Dakota, Mr. PRYOR, Mr. BOOZMAN, Mr. BLUNT, Mr. AKAKA, Mr. CARDIN, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3224. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3225. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3226. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3227. 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 3228. Mr. BAUCUS (for himself, Mr. SANDERS, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3229. Mr. UDALL of Colorado (for himself, Mrs. FEINSTEIN, 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 3230. Mrs. BOXER (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3231. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, Mr. COONS, Mr. BROWN of Ohio, 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 3232. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3233. 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 3234. Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mr. TOOMEY, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3235. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3236. 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 3237. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3238. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3239. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. SESSIONS, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. CORKER, and 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 3240. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COBURN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3241. Mr. CARPER (for himself, Ms. COLLINS, 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 3242. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3243. Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3244. 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 3245. Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. CHAMBLISS, Mr. INHOFE, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3246. 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 3247. 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 3248. Mr. SANDERS (for himself 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 3249. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3250. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3251. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3252. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3253. 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 3254. 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 3255. Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3256. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3257. Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and 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 3258. Mr. ALEXANDER (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 3259. Ms. COLLINS (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3260. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3261. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3262. 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 3263. 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 3264. 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 3265. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3266. 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 3267. 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 3268. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3269. 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 3270. 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 3271. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3272. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3274. Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3275. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3276. Mr. LIEBERMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3277. 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 3278. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3279. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3280. 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 3281. 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 3282. 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 3283. Mr. RUBIO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3284. 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 3285. 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 3286. Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

SA 3287. Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. Levin to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month.

TEXT OF AMENDMENTS

SA 3188. 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. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

SA 3189. 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 I, add the following:

SEC. 132. AUTHORITY FOR MID-LIFE COMPLEX REFUELING OVERHAULS OF NIMITZ CLASS AIRCRAFT CARRIERS.

(a) IN GENERAL.—The Secretary of the Navy shall carry out the mid-life complex refueling overhauls of the Nimitz class aircraft carriers as a single program. The program shall be carried out in accordance with the schedule for the complex refueling overhauls as submitted to Congress with the President's budget request.

(b) CONTRACT AUTHORITY.—Subject to the availability of appropriations for shipbuilding and conversion for a specific vessel in a specific fiscal year, the Secretary of the Navy may enter into contracts for the mid-life complex refueling overhauls of the Nimitz class aircraft carriers designated CVN–72, CVN–73, CVN–74, CVN–75, CVN–76, and CVN–77. Any such contract may use incremental funding authority of not more than three fiscal years per vessel, subject to subsection (c).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENT.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment in a fiscal year after the fiscal year in which the contract is awarded shall be subject to the availability of appropriations for that purpose for such later fiscal year.

SA 3190. Mr. SANDERS (for himself 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 B of title XXXI, add the following:

SEC. 3122. RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking ''electric energy'' and inserting ''electric and thermal energy''; and

(2) in subsection (b)(2)—

(A) by striking ''electric energy'' and inserting ''electric and thermal energy'';

(B) by adding ''or avoided by'' after ''generated from''; and

(C) by striking ''geothermal,'' and inserting ''geothermal (including ground source, reclaimed water, or ground water),''.

SA 3191. 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 carefully evaluated;

(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;

(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;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

SA 3192. Mr. COONS (for himself 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 E of title III, add the following:

SEC. 344. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 116. State Partnership Program

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

''(A) To support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted.

''(B) To support the objectives of the United States chief of mission of the partner nation with which such activities are conducted.

''(C) To build international partnerships and defense and security capacity.

''(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

''(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

''(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(2) Costs under paragraph (1) may include costs as follows:

''(A) Costs of pay and allowances of members of the National Guard.

''(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

''(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

''(A) contributes to responsible management of defense resources;

''(B) fosters greater respect for and understanding of the principle of civilian control of the military;

''(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

''(D) improves international partnerships and capacity on matters relating to defense and security.

''(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'State Partnership Program' means a program that establishes a defense and security relationship between the National Guard of a State or territory and the

military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

''(2) The term 'activities', for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

''(3) The term 'interagency activities' means the following:

''(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

''(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

''(4) The term 'matter within the core competencies of the National Guard' means matters with respect to the following:

''(A) Disaster response and mitigation.

''(B) Defense support to civil authorities.

''(C) Consequence management and installation protection.

''(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

''(E) Border and port security and cooperation with civilian law enforcement.

''(F) Search and rescue.

''(G) Medicine.

''(H) Counterdrug and counternarcotics activities.

''(I) Public affairs.

''(J) Employer support and family support for reserve forces.

''(5) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch of the United States Government.

''(C) Nongovernmental individuals.

''(6) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

''(B) Nongovernmental individuals of a foreign country.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

''116. State Partnership Program.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

SA 3193. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARDIN, Mrs. BOXER, Mr. FRANKEN, 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; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. PLAN 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) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 120 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 plan to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A plan 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 plan 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 plan 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 plan 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 3194. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, Mrs. GILLIBRAND, 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:

On page 543, between lines 2 and 3, insert the following:

SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: ''In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.''.

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) the Secretary of Defense or the Secretary of the military department concerned—

''(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

''(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

''(2) a period of 90 days expires following the day on which the notice is submitted to Congress.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) The term 'direct reduction' means a reduction involving one or more members of a unit.

''(2) The term 'indirect reduction' means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

''(3) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

''(4) The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).''.

SA 3195. 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 C title IX, add the following:

SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCESS FOR REPORTING PENETRATIONS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.—The Under Secretary of

Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—

(1) RAPID REPORTING.—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) REPORT ELEMENTS.—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) ACCESS.—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In this section, the term ''cleared defense contractor'' means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

SA 3196. 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 out 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 fiscal year 2013 for the Working Capital Fund, Army, not more than $3,000,000, shall be available in such fiscal year to carry out the research study.

SA 3197. Ms. MURKOWSKI (for herself and Mr. BEGICH) 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 III, add the following:

SEC. 314. LIMITATION ON FUNDING FOR CONNECTION OF CLEAR AIR FORCE STATION TO COMMERCIAL UTILITY GRID.

The Secretary of Defense may not obligate or expend any funds to connect Clear Air Force Station to a commercial utility grid or to purchase utility services necessary to the operation of Clear Air Force Station from commercial sources until 180 days after the Secretary submits to the congressional defense committees a report analyzing the costs and benefits of the proposed action, including the impact of such change on Department of Defense civilian employees.

SA 3198. Mr. BARRASSO (for himself and Mr. ENZI) 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.

''(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

''(A) the transfer of that veterans memorial object is specifically authorized by law; or

''(B) the transfer is made after September 30, 2017.''.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.

SA 3199. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, 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; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term ''M23'' refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 3200. 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 240 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 3201. Mr. COONS (for himself 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; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for ''Additional ISR Support to Operation Observant Compass'', the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

SA 3202. Mr. GRAHAM (for himself, Ms. AYOTTE, 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 of subtitle D of title X, add the following:

SEC. 1032. AFFIRMATION OF THE UNITED STATES TO DETAIN TERRORISTS.

Congress affirms the following:

(1) Al-Qaeda, the Taliban, and associated forces continue to be a clear and present military threat to the United States.

(2) The power to detain under the law of war shall apply to an individual who—

(A) joins al-Qaeda, the Taliban, or an associated force; and

(B) plans or participates in a belligerent act against the United States on behalf of such forces anywhere within the United States and its territories.

SA 3203. Mr. GRAHAM (for himself, Mr. SCHUMER, Mr. BARRASSO, Mr. MENENDEZ, 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 D of title XII, add the following:

SEC. 1246. LIMITATIONS ON ASSISTANCE TO PALESTINIANS.

(a) INTERNATIONAL CRIMINAL COURT RESTRICTION.—The United States shall not provide assistance for the Palestinian Authority if the International Criminal Court adjudicates any matter proposed or supported by the Palestinian Authority or any other entity, legally recognized or otherwise, that purports to represent the interests of the Palestinian people.

(b) PLO OFFICE CONDITIONALITY.—Notwithstanding any other provision of law, the Palestine Liberation Organization, its constituent groups, or any successor entity shall not maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States unless the President determines and reports to the Speaker of the House of Representatives and the President Pro Tempore of the

Senate that the Palestinians have entered into direct and meaningful negotiations with Israel.

SA 3204. 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.

''(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 3205. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and 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 D of title XII, add the following:

SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States recognizes the administrative control of Japan over the Senkaku Islands;

(4) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(5) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(6) the unilateral actions of a third party will not affect any determinations by the United States on the question of administrative control over the territories under the administration of Japan; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that ''[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes''.

SA 3206. 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. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting ''or spouse'' after ''child''.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

''(A) the date that is 15 years after the date on which the person died; and

''(B) the date on which the individual remarries.

''(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

SA 3207. Mr. FRANKEN (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 H of title X, add the following:

SEC. 1084. REQUIREMENTS IN CONNECTION WITH NEXT UPDATE OF CURRENT STRATEGIC PLAN FOR OFFICE OF RURAL HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—The first update of the Strategic Plan Refresh for Fiscal Years 2012 through 2014 of the Office of Rural Health of the Department of Veterans Affairs after the date of the enactment of this Act, whether

an update or refresh of such Strategic Plan Refresh or a strategic plan to supersede such Strategic Plan Refresh, shall be prepared in accordance with this section.

(2) CONSULTATION.—The Director of the Office of Rural Health shall prepare the update in consultation with the following:

(A) The Director of the Health Care Retention and Recruitment Office of the Department.

(B) The Director of the Office of Quality and Performance of the Department.

(C) The Director of the Office of Care Coordination Services of the Department.

(b) ELEMENTS.—The update described in subsection (a) shall include, for the period covered by the update, the following:

(1) Goals and objectives for the recruitment and retention by the Veterans Health Administration of health care personnel in rural areas.

(2) Goals and objectives for ensuring timeliness and improving quality in the delivery of health care services by the Veterans Health Administration in rural areas through contract and fee-basis providers.

(3) Goals and objectives for the implementation, expansion, and enhanced use of telemedicine services by the Veterans Health Administration in rural areas, including through coordination with other appropriate offices of the Department.

(4) Goals and objectives for ensuring the full and effective use of mobile outpatient clinics by the Veterans Health Administration for the provision of health care services in rural areas, including goals and objectives for the use of such clinics on a fully mobile basis and for encouraging health care providers who provide services through such clinics to do so in rural areas.

(5) Procedures for soliciting from each Veterans Health Administration facility that serves a rural area the following:

(A) A statement of the clinical capacity of such facility.

(B) The procedures of such facility in the event of a medical, surgical, or mental health emergency outside the scope of the clinical capacity of such facility.

(C) The procedures and mechanisms of such facility for the provision and coordination of health care for women veterans, including procedures and mechanisms for coordination with local hospitals and health care facilities, oversight of primary care and fee-basis care, and management of specialty care.

(6) Goals and objectives for the modification of the funding allocation mechanisms of the Office of Rural Health in order to ensure that the Office distributes funds to components of the Department to best achieve the goals and objectives of the Office and in a timely manner.

(7) Goals and objectives for the coordination of, and sharing of resources with respect to, the provision of health care services to veterans in rural areas between the Department of Veterans Affairs, the Department of Defense, the Indian Health Service of the Department of Health and Human Services, and other Federal agencies, as appropriate and prudent.

(8) Specific milestones for the achievement of the goals and objectives developed for the update.

(9) Procedures for ensuring the effective implementation of the update.

(c) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the issuance of the update described in subsection (a), the Secretary of Veterans Affairs shall transmit the update to Congress, together with such comments and recommendations in connection with the update as the Secretary considers appropriate.

SA 3208. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) 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 589, after line 23, insert the following:

Subtitle D—American Medical Isotopes Production

SEC. 3141. SHORT TITLE.

This subtitle may be cited as the ''American Medical Isotopes Production Act of 2012''.

SEC. 3142. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium enriched to 20 percent or greater in the isotope U–235.

(3) LOW ENRICHED URANIUM.—The term ''low enriched uranium'' means uranium enriched to less than 20 percent in the isotope U–235.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3143. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 3144. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

''c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

''d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

''(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

''(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

''e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

''f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

''(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

''(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

''g. As used in this section—

''(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

''(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235;

''(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

''(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

SEC. 3145. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 3146. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

''SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

''a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

''(1) the Commission determines that—

''(A) there is no alternative medical isotope production target, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor; and

''(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

''(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

''b. As used in this section—

''(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

''(2) a target 'can be used' in a nuclear research or test reactor if—

''(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

''(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

''Sec. 112. Domestic medical isotope production.''.

SEC. 3147. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

SEC. 3148. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 3149. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

SA 3209. 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 end of subtitle B of title VIII, add the following:

SEC. 827. SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.

(a) REPEAL OF SECTION 325.—Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is repealed.

(b) REPEAL OF SECTION 8103.—Section 8103 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 80) is repealed.

SA 3210. 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 end of subtitle B of title VIII, add the following:

SEC. 827. POLICY ON SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.

(a) FINDINGS.—Congress finds that the competitive enterprise system, including small business concerns, is—

(1) characterized by individual freedom and initiative; and

(2) the primary source of the economic strength of the United States.

(b) POLICY ON SUPPORT OF COMPETITIVE ENTERPRISE SYSTEM.—It is the declared policy of Congress that the Federal Government, including the Department of Defense, should—

(1) support the competitive enterprise system of the United States, including small business concerns;

(2) not compete with the citizens of the United States;

(3) rely on commercial sources to supply the products and services required by the Federal Government; and

(4) avoid starting or carrying out any activity that provides a product or service that can be procured more effectively and efficiently from a nongovernmental source.

SA 3211. Mr. RUBIO (for himself, Mr. WYDEN, 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 C of title XII, add the following:

SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMITTEE OF INQUIRY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings in the Report of the Bahrain Independent Committee of Inquiry for the United States security posture in the Arab Gulf and the United States Central Command Area of Responsibility.

SA 3212. 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 C of title VIII, add the following:

SEC. 847. REPORTS ON RENEGOTIATION OR CANCELLATION OF DEPARTMENT OF DEFENSE CONTRACTS IN CONNECTION WITH SPENDING CUTS.

(a) REPORT ON PROCEDURES.—

(1) IN GENERAL.—Not later than _____ 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 the procedures of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts as a result of reductions in funding for the Department of Defense in connection with—

(A) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(B) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(C) other funding reduction mechanisms.

(2) ACTIONS TO DEVELOP ADDITIONAL PROCEDURES.—If the Secretary determines for purposes of the report under paragraph (1) that any component of the Department lacks adequate procedures to govern the renegotiation or cancellation of contracts as results of reductions in funding described in that paragraph, the report shall include a description of the actions to be taken to provide such component with adequate procedures for that purpose.

(b) REPORTS ON COSTS OF CONTRACT TERMINATION.—Not later than _____ days after the termination of a contract of the Department of Defense by reason of a reduction in funding described in subsection (a)(1), the Secretary shall submit to the congressional defense committees a report on the termination of the contract that sets forth a description of the costs (including any allowable, allocable, reasonable, or unforeseen costs) to be paid by the Department in connection with the termination of the contract.

SA 3213. 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; 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 Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence 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 Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

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

SA 3214. 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 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 3215. Mr. BROWN of Ohio (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, and Ms. KLOBUCHAR) 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—AMENDMENTS TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT

SEC. 1801. PRE-ELECTION REPORTING REQUIREMENTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''Not later than 90 days'' and inserting the following:

''(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55 days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots are or will be available for transmission by 46 days before the election. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

''(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—Not later than 43 days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election have been transmitted to such voters by such date. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

''(3) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED'' and inserting ''REPORTS ON ABSENTEE BALLOTS''

SEC. 1802. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended to read as follows:

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);''.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff–1(g)) is amended to read as follows:

''(g) BALLOT TRANSMISSION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

''(A) IN GENERAL.—The State shall transmit the absentee ballot not later than 46 days before the election.

''(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

''(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot submission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

''(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

''(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the

collection and delivery of marked absentee ballots; and

''(II) in any other case, provide, at the State's expense, for the return of such ballot by express delivery.

''(iii) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

''(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days before an election for Federal office, the State shall transmit the absentee ballot—

''(A) in accordance with State law; and

''(B) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.''.

SEC. 1803. CLARIFICATION OF STATE RESPONSIBILITY, CIVIL PENALTIES, AND PRIVATE RIGHT OF ACTION.

(a) ENFORCEMENT.—Section 105 (42 U.S.C. 1973ff–4) of the Uniformed and Overseas Citizens Absentee Voting Act is amended to read as follows:

''SEC. 105. ENFORCEMENT.

''(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title. In any such action, the only necessary party defendant is the State and it shall not be a defense to such action that local election officials are not also named as defendants.

''(b) CIVIL PENALTY.—In a civil action brought under subsection (a), if the court finds that a State violated any provision of this Act, it may, to vindicate the public interest, assess a civil penalty against the State—

''(1) in an amount not exceeding $110,000, for a first violation; and

''(2) in an amount not exceeding $220,000, for any subsequent violation.

''(c) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

''(d) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a State's 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.

''(e) 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.''.

(b) REPEAL OF CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITY.—Section 576 of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–1 note) is repealed.

SEC. 1804. TREATMENT OF EARLY BALLOT REQUESTS.

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) by inserting ''or overseas voter'' after ''submitted by an absent uniformed services voter''; and

(2) by inserting ''or who do not reside outside the United States'' after ''who are not members of the uniformed services''.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking ''A State'' and inserting the following:

''(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State'', and

(B) by adding at the end the following new subsections:

''(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

''(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

''(2) EXCEPTION FOR VOTERS CHANGING REGISTRATION .—Paragraph (1) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.''.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking ''**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**'' and inserting ''**TREATMENT OF EARLY BALLOT REQUESTS**''.

SEC. 1805. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(6)) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

SEC. 1806. RELATED CHANGES TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.

(a) CLARIFICATION OF PROHIBITED DISCRIMINATION.—Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by striking ''No'' and inserting ''(a) No''; and

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

''(b)(1) Discrimination based on disparate impact with respect to a program or activity is established under this section only if—

''(A) a Federal department or agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of race, color, or national origin; and

''(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

''(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

''(2) In this subsection, the term 'demonstrates' means meets the burdens of production and persuasion.''.

(b) PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.—Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1) is amended—

(1) by striking ''Each'' and inserting ''(a) Each''; and

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

''(b) Any person aggrieved by the failure of an entity to comply with section 601 may bring a civil action in any Federal or State court of competent jurisdiction to enforce such person's rights and may recover equitable relief, reasonable attorney's fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

''(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 601.''.

SEC. 1807. RELATED CHANGES TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.

(a) CLARIFICATION OF PROHIBITED DISCRIMINATION.—Section 901 of the Education Amendments of 1972 (20 U.S.C. 1681) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) Subject to the conditions described in paragraphs (1) through (9) of subsection (a), discrimination based on disparate impact with respect to a program or activity is established under this section only if—

''(A) a Federal department of agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of sex; and

''(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

''(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

''(2) In this subsection, the term 'demonstrates' means meets the burdens of production and persuasion.''.

(b) PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.—Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) is amended—

(1) in the section heading, by adding at the end the following: ''; PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF'';

(2) by striking ''Each'' and inserting ''(a) Each''; and

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

''(b) Any person aggrieved by the failure of an entity to comply with section 901 may bring a civil action in any Federal or State court of competent jurisdiction to enforce such person's rights and may recover equitable relief, reasonable attorney's fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

''(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 901.''.

SA 3216. Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) 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—SERVICEMEMBERS CIVIL RELIEF ACT

SEC. 1801. PROHIBITION ON DENIAL OF CREDIT BECAUSE OF ELIGIBILITY FOR PROTECTION.

Section 108 of the Servicemembers Civil Relief Act (50 U.S.C. App. 518) is amended—

(1) by striking ''Application by'' and inserting ''(a) APPLICATION OR RECEIPT.—Application by''; and

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

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In addition to the protections under subsection (a), an individual who is entitled to any right or protection provided under this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such entitlement.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a lender from considering all relevant factors, other than the entitlement of an individual to a right or protection provided under this Act, in making a determination as to whether it is appropriate to extend credit.''.

SEC. 1802. MORTGAGE PROTECTION FOR CERTAIN DEPLOYED MEMBERS OF ARMED FORCES, DISABLED VETERANS, AND SURVIVING SPOUSES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by inserting after section 303 the following new section:

''SEC. 303A. MORTGAGES AND TRUST DEEDS OF CERTAIN SERVICEMEMBERS, DISABLED VETERANS, AND SURVIVING SPOUSES.

''(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a covered individual that—

''(1) originated at any time and for which the covered individual is still obligated; and

''(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

''(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

''(1) is a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service;

''(2) is a veteran who retired under chapter 61 of title 10, United States Code, and has a service-connected disability or disabilities (as defined in section 101 of title 38, United States Code) rated by the Secretary of Veterans Affairs as total for purposes of compensation under chapter 11 of title 38, United States Code; or

''(3) is a surviving spouse of a servicemember who died while in military service if such spouse is the successor in interest to property covered under subsection (a).

''(c) STAY OF PROCEEDINGS.—

''(1) IN GENERAL.—In an action pending during a covered period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual, including notice to the court in accordance with paragraphs (2) and (4) of subsection (f), stay the proceedings until the end of the covered period.

''(2) OBLIGATION TO STOP PROCEEDINGS.—Upon receipt of notice provided under subsection (f)(1), a mortgagee, trustee, or other creditor seeking to foreclose on real property secured by an obligation described in subsection (a) using any judicial or nonjudicial proceedings shall immediately stop any such proceeding until the end of the covered period.

''(d) COVERED PERIOD.—For purposes of this section, a covered period—

''(1) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service, is the period beginning on the first day on which the servicemember is or was eligible for such special pay during such period of military service and ending on the date that is one year after the last day of such period of military service;

''(2) with respect to a veteran described in subsection (b)(2), is the period beginning on the date of the veteran's retirement under chapter 61 of title 10, United States Code, and ending on the date that is one year after the date of such retirement; and

''(3) with respect to a surviving spouse of a servicemember as described in subsection (b)(3), is the one-year period beginning on the date on which the spouse receives notice of the death of the servicemember.

''(e) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered period except if made pursuant to an agreement as provided in section 107.

''(f) NOTICE REQUIRED.—

''(1) IN GENERAL.—To be covered under this section, a covered individual shall provide to the mortgagee, trustee, or other creditor written notice that such individual is so covered.

''(2) TIME.—Notice provided under paragraph (1) shall be provided—

''(A) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay described in subsection (b)(1), anytime during the covered period described in subsection (d)(1);

''(B) with respect to a veteran described in subsection (b)(2), anytime during the covered period described in subsection (d)(2); and

''(C) with respect to a surviving spouse described in subsection (b)(3), anytime during the covered period described in subsection (d)(3).

''(3) ADDRESS.—Notice provided under paragraph (1) shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage.

''(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the hostile fire or imminent danger special pay, the service-related total disability, or the military service-related death of a spouse while in military service.

''(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).

''(g) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (e), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

''Sec. 303A. Mortgages and trust deeds of certain servicemembers, disabled veterans, and surviving spouses.''.

(c) CONFORMING AMENDMENT.—Section 107(d) of such Act (50 U.S.C. App. 517) is amended to read as follows:

''(d) COVERAGE PERIODS.—For purposes of this section—

''(1) in the case of a person to whom section 106 applies—

''(A) such person shall be considered to be a servicemember; and

''(B) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service; and

''(2) in the case of a covered individual described in subsection (b) of section 303A—

''(A) such individual shall be considered to be a servicemember; and

''(B) the covered period with respect to such individual specified in section 303A(d) shall be considered to be a period of military service.''.

SEC. 1803. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL LEASES.

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.''; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) the lease is executed by or on behalf of a servicemember who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 10, United States Code), including housing provided under the Military Housing Privatization Initiative under subchapter IV of chapter 169 of title 10, United States Code.''.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting ''in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,'' before ''by delivery''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer or other competent authority indicating that the servicemember has been assigned to or is otherwise relocating to quarters or housing described in such subparagraph, to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and''.

SEC. 1804. MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT FOR DEFAULT JUDGMENTS AGAINST SERVICEMEMBERS.

Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended to read as follows:

''(1) PLAINTIFF TO FILE AFFIDAVIT.—

''(A) IN GENERAL.—In any action or proceeding covered by this section, the plaintiff, before seeking a default judgment, shall file with the court an affidavit—

''(i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

''(ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

''(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the plaintiff. The affidavit shall set forth all steps taken to determine the defendant's military status.''.

SEC. 1805. INCREASE IN CIVIL PENALTIES.

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking ''$55,000'' and inserting ''$110,000''; and

(2) in subparagraph (B), by striking ''$110,000'' and inserting ''$220,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

SEC. 1806. CLARIFICATION REGARDING APPLICATION OF ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL AND PRIVATE RIGHT OF ACTION.

Sections 801 and 802 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597 and 597a) shall apply as if such sections were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108-189.

SEC. 1807. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

''(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

''(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

''(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

''(C) the definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.

''(3) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 and not less frequently than once each year thereafter, the Attorney General 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 issuance of civil investigative demands under this subsection during the previous one-year period.

''(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following for the year covered by the report:

''(i) The number of times that a civil investigative demand was issued under this subsection.

''(ii) For each civil investigative demand issued under this subsection with respect to an investigation, whether such investigation resulted in a settlement or conviction.''.

(b) EFFECTIVE DATE.—Subsection (d) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) alleged to have occurred on or after such date.

SEC. 1808. DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES.

(a) TRANSFER OF DEFINITION.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating those paragraphs as paragraphs (10) and (11).

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 305 (50 U.S.C. App. 535), as amended by subsection (a), by striking subsection (i); and

(2) in section 705 (50 U.S.C. App. 595) by striking ''or naval'' both places it appears.

TITLE XIX—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 1901. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.

(a) ACTION FOR RELIEF.—Subsection (a) of section 4323 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and'';

(B) by striking ''for such person'';

(C) by striking the fourth sentence; and

(D) by adding at the end the following: ''The person on whose behalf the complaint is referred may, upon timely application, intervene in such action, and may obtain such appropriate relief as is provided in subsections (d) and (e).'';

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

''(i) if the Attorney General has made a decision to commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

''(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

''(B) If the Attorney General notifies a person that the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.'';

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

''(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights and benefits provided for under this chapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of such rights and benefits, the Attorney General may commence an action for relief under this chapter.''; and

(5) in paragraph (4), as redesignated by paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) has been notified by the Attorney General that the Attorney General does not intend to commence an action for relief under paragraph (1) with respect to the complaint under such paragraph.''.

(b) STANDING.—Subsection (f) of such section is amended to read as follows:

''(f) STANDING.—An action under this chapter may be initiated only by the Attorney General or by a person claiming rights or benefits under this chapter under subsection (a).''.

(c) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking ''under subsection (a)(2)'' and inserting ''under paragraph (1) or (4) of subsection (a)''.

SEC. 1902. UNENFORCEABILITY OF AGREEMENTS TO ARBITRATE DISPUTES ARISING UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 4328. Unenforceability of agreements to arbitrate disputes

''(a) PROTECTION OF EMPLOYEE RIGHTS.—Notwithstanding any other provision of law, any provision of any agreement between an employer and an employee that requires arbitration of a dispute arising under this chapter shall not be enforceable.

''(b) EXCEPTION.—Subsection (a) shall not apply with respect to any dispute if, after such dispute arises, the parties involved knowingly and voluntarily agree to submit such dispute to arbitration.

''(c) VALIDITY AND ENFORCEMENT.—Any issue as to whether this section applies to an arbitration clause shall be determined by Federal law. Except as otherwise provided in chapter 1 of title 9, the validity or enforceability of an agreement to arbitrate referred to in subsection (a) or (b) shall be determined by a court, rather than the arbitrator, regardless of whether the party resisting arbitration challenges the agreement to arbitrate specifically or in conjunction with other terms of the agreement.

''(d) APPLICATION.—This section shall apply with respect to all contracts and agreements between an employer and an employee in

force before, on, or after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4327 the following new item:

''4328. Unenforceability of agreements to arbitrate disputes.''.

(c) APPLICATION.—The provisions of section 4328 of title 38, United States Code, as added by subsection (a), shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 1903. SUSPENSION, TERMINATION, OR DEBARMENT OF CONTRACTORS FOR REPEATED VIOLATIONS OF EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, as amended by section 1902, is further amended by adding at the end the following new section:

''§ 4329. Suspension, termination, or debarment of contractors

''(a) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT.—Payment under a contract awarded by a Federal executive agency may be suspended and the contract may be terminated, and the contractor who made the contract with the agency may be suspended or debarred in accordance with the requirements of this section, if the head of the agency determines that the contractor as an employer has repeatedly been convicted of failing or refusing to comply with one or more provisions of this chapter.

''(b) EFFECT OF DEBARMENT.—A contractor debarred by a final decision under this section is ineligible for award of a contract by a Federal executive agency, and for participation in a future procurement by a Federal executive agency, for a period specified in the decision, not to exceed 5 years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title, as amended by section 1902, is further amended by inserting after the item relating to section 4328, as added by section 1902, the following new item:

''4329. Suspension, termination, or debarment of contractor.''.

(c) REGULATIONS.—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 carry out section 4329 of title 38, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Section 4329 of title 38, United States Code, as added by subsection (a), shall apply with respect to failures and refusals to comply with provisions of chapter 43 of such title occurring on or after the date of the enactment of this Act.

(e) ANNUAL REPORT.—Section 4332(a) of such title is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

''(10) The number of suspensions, terminations, and debarments under section 4329 of this title, disaggregated by the agency or department imposing the suspension or debarment.''.

SEC. 1904. SUBPOENA POWER FOR SPECIAL COUNSEL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

Section 4324 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In order to carry out the Special Counsel's responsibilities under this section, the Special Counsel may require by subpoena the attendance and testimony of Federal employees and the production of documents from Federal employees and Federal executive agencies.

''(2) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), upon application by the Special Counsel, the Merit Systems Protection Board may issue an order requiring a Federal employee or Federal executive agency to comply with a subpoena of the Special Counsel.

''(3) An order issued under paragraph (2) may be enforced by the Merit Systems Protection Board in the same manner as any order issued under section 1204 of title 5.''.

SEC. 1905. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this subchapter, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) The provisions of section 3733 of title 31 governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this subchapter;

''(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

''(C) the definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.''.

(b) EFFECTIVE DATE.—Subsection (i) of such section, as added by subsection (a)(2), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of chapter 43 of such title alleged to have occurred on or after such date.

(c) ANNUAL REPORTS.—Section 4332(b)(2) of such title is amended—

(1) by striking ''Not later than'' and inserting the following:

''(A) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subparagraph:

''(B) ANNUAL SUPPLEMENT ON CIVIL INVESTIGATIVE DEMANDS.—

''(i) IN GENERAL.—The Attorney General shall include with each report submitted under subparagraph (A) for the last quarter of each fiscal year a report on the issuance of civil investigative demands under section 4323(i) of this title during the most recently completed fiscal year.

''(ii) ELEMENTS.—Each report submitted under clause (i) shall include the following for the fiscal year covered by the report:

''(I) The number of times that a civil investigative demand was issued under section 4323(i) of this title.

''(II) For each civil investigative demand issued under such section with respect to an investigation, whether such investigation resulted in a settlement, order, or judgment.''.

SEC. 1906. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES UNDER TITLE 5, UNITED STATES CODE.

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.''.

SA 3217. Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) 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. PROHIBITION ON RELOCATION OF ELECTRONIC ATTACK CAPABILITIES FROM JOINT BASE ANDREWS, MARYLAND.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Navy may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any electronic attack squadron assigned to the Navy Reserve.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the impacts of relocating Electronic Attack capabilities from Joint Base Andrews, Maryland, including a financial analysis of such a relocation and an assessment of the security impacts on the National Capital Region of such a relocation.

SA 3218. Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. KIRK) 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. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking ''who are economically disadvantaged'';

(2) in subparagraph (C), by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

''(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

''(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.''.

SA 3219. Mr. BURR (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:

On page __, between lines __ and __, insert the following:

SEC. _____. VIETNAM VETERANS DAY.

(a) FINDINGS.—Congress finds that—

(1) the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces, allies of the United States, and the armed forces of the Republic of Vietnam;

(2) the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

(3) members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1950;

(4) as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88–408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

(5) in 1965, United States Armed Forces ground combat units arrived in Vietnam;

(6) by September 1965, there were over 129,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

(7) on January 27, 1973, the Agreement Ending the War and Restoring Peace in Vietnam (commonly known as the ''Paris Peace Accords'') was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

(8) on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

(9) on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

(10) more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

(11) in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

(12) the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

(13) members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

(14) the establishment of a ''Vietnam Veterans Day'' would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War;

(15) March 29 would be an appropriate day to establish as ''Vietnam Veterans Day''; and

(16) President Obama designated March 29, 2012, as Vietnam Veterans Day under Presidential Proclamation 8789 (77 Fed. Reg. 20275).

(b) VIETNAM VETERANS DAY.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

''§ 145. Vietnam Veterans Day

''The President may issue each year a proclamation—

''(1) designating March 29 as Vietnam Veterans Day;

''(2) honoring and recognizing the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

''(3) encouraging States and local governments to establish a Vietnam Veterans Day; and

''(4) encouraging the people of the United States to observe Vietnam Veterans Day with appropriate ceremonies and activities that—

''(A) provide the appreciation veterans of the Vietnam War deserve, but did not receive upon returning home from the war;

''(B) demonstrate the resolve that never again shall the people of the United States disregard and denigrate a generation of veterans;

''(C) promote awareness of the faithful service and contributions of the veterans of the Vietnam War during military service as well as to the communities of the veterans since returning home;

''(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans in helping the veterans readjust to civilian life after military service; and

''(E) promote opportunities for veterans of the Vietnam War to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following:

''145. Vietnam Veterans Day.''.

SA 3220. Mr. WICKER (for himself, Mr. LIEBERMAN, and 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 XII, add the following:

SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—Congress 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 CONGRESS.—Congress—

(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 Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

SA 3221. Mr. BOOZMAN (for himself, Mr. RUBIO, Mr. PRYOR, Mrs. GILLIBRAND, Mr. BEGICH, 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 H of title X, add the following:

SEC. 1084. OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES OF VETERANS.

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the three-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations in not less than three and not more than five States selected by the Secretary.

(b) SELECTION OF LOCATIONS.—In selecting States in which to carry out the training under subsection (a), the Secretary shall select the States with the highest rates of veteran unemployment. The Secretary shall provide such training to veterans at a sufficient number of locations within the selected States to meet the need. The Secretary shall select such locations to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(c) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) INTEGRATING SUBJECT MATTER EXPERTS.—The Secretary of Labor shall include in any contract entered into pursuant to section 1144 of title 10, United States Code, or section 4113 of title 38, United States Code, a requirement to include experts in subject matters relating to human resources practices, including resume writing, interviewing and job searching skills, and the provision of information about post-secondary education.

(f) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(g) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the three-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility of carrying out off-base transition training at locations nationwide.

SA 3222. 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 of subtitle C of title IX, add the following:

SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that ''[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that's the process that we're going to work our way through''.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense ''must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department's plans and activities.''.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation's networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

SA 3223. Mr. DURBIN (for himself, Mr. ENZI, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. JOHNSON of South Dakota, Mr. PRYOR, Mr. BOOZMAN, Mr. BLUNT, Mr. AKAKA, Mr. CARDIN, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. KLOBUCHAR) 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 ____ —Marketplace Fairness

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Marketplace Fairness Act''.

SEC. ___2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted,

(2) States should have the right to collect—or decide not to collect—taxes that are already owed under State law, and

(3) States should simplify their sales and use tax systems to ease burdens on remote sellers.

SEC. ___3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the

Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning on the date that the State publishes notice of the State's intent to exercise the authority under this subtitle, but no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) ALTERNATIVE.—

(1) IN GENERAL.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to exercise the authority granted by this subtitle and to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, including return processing and audits for remote sales sourced to the State,

(ii) a single audit of remote sellers for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the single entity within the State.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Source all interstate sales in compliance with the sourcing regime set forth in section ___6(8).

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated providers that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of an error or omission made by a single or consolidated provider.

(F) Relieve single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a seller.

(G) Relieve remote sellers and single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of information provided by the State or locality.

(H) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by the State or any locality in the State.

(2) TREATMENT OF LOCAL RATE CHANGES.—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(H) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) SMALL SELLER EXCEPTION.—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect sales or use tax under this subtitle if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding $500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

SEC. ___4. TERMINATION OF AUTHORITY.

The authority granted to a State by this subtitle shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this subtitle, and the determination of such court is no longer subject to appeal.

SEC. ___5. LIMITATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as—

(1) subjecting a seller or any other person to franchise, income, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—No obligation imposed by virtue of the authority granted by this subtitle shall be considered in determining whether a seller or any other person has a nexus with any State for any purpose other than sales and use taxes.

(c) LICENSING AND REGULATORY REQUIREMENTS.—Other than the limitation set forth in subsection (a), and section ___3, nothing in this subtitle shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) NO NEW TAXES.—Nothing in this subtitle shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.—Nothing in this subtitle shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

(f) INTRASTATE SALES.—The provisions of this subtitle shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

SEC. ___6. DEFINITIONS AND SPECIAL RULES.

In this subtitle:

(1) CONSOLIDATED PROVIDER.—The term ''consolidated provider'' means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) LOCALITY; LOCAL.—The terms ''locality'' and ''local'' refer to any political subdivision of a State.

(3) MEMBER STATE.—The term ''Member State''—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term ''person'' means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term ''remote sale'' means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) REMOTE SELLER.—The term ''remote seller'' means a person that makes remote sales in a State.

(7) SINGLE PROVIDER.—The term ''single provider'' means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) SOURCED.—For purposes of a State granted authority under section ___3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section ___3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term ''Streamlined Sales and Use Tax Agreement'' means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. ___7. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3224. Mr. WYDEN 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. CERTAIN DUTY REQUIRED AS CONDITION OF PROMOTION OF ARMY AND AIR FORCE OFFICERS TO BRIGADIER GENERAL.

(a) IN GENERAL.—Chapter 36 of title 10, is amended by inserting after section 619a the following new section:

"§ 619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general

''(a) GUARD OR RESERVE DUTY REQUIRED FOR OFFICERS ON ACTIVE-DUTY LIST.—After the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an officer on the active-duty list of the Army or Air Force may not be appointed to the grade of brigadier general unless the officer has completed a tour of duty of at least one year in a Guard or Reserve duty assignment.

''(b) ACTIVE DUTY REQUIRED FOR RESERVE OFFICERS.—After the end of the one-year period beginning on the date of the enactment of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, a Reserve officer of the Army or Air Force may not be appointed to the grade of brigadier general unless the officer has completed an aggregate of at least one year on active duty in the armed forces (other than for training).

''(c) EXCEPTIONS.—Subject to subsection (d), the Secretary of Defense may waive subsection (a) or (b) in the following circumstances:

''(1) When necessary for the good of the service.

''(2) In the case of—

''(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

''(B) a chaplain; or

''(C) a judge advocate.

''(3) With respect to subsection (a), in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

''(4) With respect to subsection (a), in the case of an officer selected by a promotion board for appointment to the grade of brigadier general while serving in a Guard or Reserve duty assignment if at least 180 days of that assignment have been completed on the date of the convening of that selection board.

''(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (c)(3) those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

''(e) GUARD OR RESERVE DUTY ASSIGNMENT DEFINED.—In this section, the term 'Guard or Reserve duty assignment' means an assignment involving the organizing, administering, recruiting, instructing, or training the reserve components, preferably in an assignment maximizing exposure to the unique capabilities of the National Guard and Reserve, other than an assignment to a Reserve Officers Training Corps unit.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by inserting after the item relating to section 619a the following new item:

''619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general.''.

SA 3225. Mr. WYDEN 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, add the following:

SEC. 561. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training by October 1, 2015.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development timelines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential effect of transitioning to human based-training methods on the quality of medical care delivered on the battlefield including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

(b) UPDATED ANNUAL REPORTS.—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

(c) DEFINITIONS.—In this section:

(1) The term ''combat trauma injuries'' means severe injuries likely to occur during combat, including—

(A) extremity hemorrhage;

(B) tension pneumothorax;

(C) amputation resulting from blast injury;

(D) compromises to the airway; and

(E) other injuries.

(2) The term ''human-based training methods'' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

(A) simulators;

(B) partial task trainers;

SA 3226. Mr. BENNET 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. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act; or

(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210.

''(3) ELIGIBLE SCHOOL.—The term 'eligible school' means—

''(A) a public school, including a charter school, at which—

''(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

''(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

''(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

''(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term 'high-need school' means—

''(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

''(C) a school that is in a local educational agency that is eligible under section 6211(b).''.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

''(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program') to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

''(c) AUTHORITY FOR PROGRAM.—In accordance with section 561(a) of division A of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Defense shall have the responsibility and authority for operation and administration of the program under this chapter. All references to the term 'Secretary' with respect to the Troops-to-Teachers Program under this chapter shall be deemed to refer to the Secretary of Defense, notwithstanding section 9101(39), except as provided in section 2301(8) or as otherwise specified.''.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking ''6 or more years'' and inserting ''4 or more years''.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

''(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.''; and

(B) by striking subsection (f) and inserting the following:

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

''(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

''(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

''(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect beginning on the date upon which the transfer of authority and responsibility for operation and administration of the Troops-to-Teachers Program takes effect, in accordance with subsection (a)(3).

SA 3227. 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) Complementing the efforts supporting 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 3228. Mr. BAUCUS (for himself, Mr. SANDERS, and Mr. FRANKEN) 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. FUNDING FOR OPERATION ENDURING FREEDOM AFTER DECEMBER 31, 2014.

Amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations may not be available after December 31, 2014, for Operation Enduring Freedom or any successor military activities in a country in which Operation Enduring Freedom is or has been conducted as of that date.

SA 3229. Mr. UDALL of Colorado (for himself, Mrs. FEINSTEIN, 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 subtitle B of title III, add the following:

SEC. 314. TERMS APPLICABLE TO LEASES FOR PLACEMENT OF SOLAR, WIND, AND BIOMASS ENERGY PRODUCTION FACILITIES ON WITHDRAWN LANDS.

(a) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands

''(a) TERM OF LEASE.—In entering into a lease pursuant to section 2667 for the placement of a solar, wind, or biomass energy production facility on public lands withdrawn for defense-related uses, the Secretary concerned may enter into such a lease without regard to any provision of law limiting the uses or term of withdrawal of such withdrawn public lands, provided that the Secretary has obtained the prior approval of the

Secretary of the Interior of the proposed lease. The Secretary concerned may enter into such a lease and the Secretary of the Interior may approve such a lease notwithstanding any limitation contained in any withdrawal by Executive Order, Public Land Order, or Act of Congress. Any such lease entered into by the Department of Defense for the development, production or generation of a renewable energy or electricity facility shall not require the Department to buy energy or electricity from such facility or increase the Department's outlays for energy costs of military installations or facilities in subsequent years.

''(b) TRANSFERS OF CONSIDERATION.—Notwithstanding section 2215 of this title, for any energy production facility subject to a lease covered by subsection (a) from which the Department of Defense does not consume the entire energy output, the Secretary concerned shall transfer to the Secretary of the Interior—

''(1) from the net revenue provided to the Secretary under such a lease, funds covering the costs of the Department of the Interior in approving the lease;

''(2) 25 percent of the remaining revenue, to be available for the Secretary of the Interior for expenditure, without further appropriation, for management of Federal lands and addressing and offsetting impacts of the energy production facility, including lands withdrawn for defense-related uses; and

''(3) 25 percent of the remaining revenue to be deposited into a fund established in the Treasury, to be available for the Secretary of the Interior for expenditure without further appropriation and without fiscal year limitation, for fish and wildlife habitat conservation on Federal lands and securing recreational access to Federal land.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands.''.

SA 3230. Mrs. BOXER (for herself and Mr. COBURN) 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 appropriate place, insert the following:

SEC. _____. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting ''(referred to in this section as the 'Commission')'' before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

''(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as 'public diplomacy activities'.''.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

''(d) REPORTS.—

''(1) COMPREHENSIVE ANNUAL REPORT.—

''(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

''(i) a detailed list of all public diplomacy activities funded by the United States Government;

''(ii) a description of—

''(I) the purpose, means, and geographic scope of each activity;

''(II) when each activity was started;

''(III) the amount of Federal funding expended on each activity;

''(IV) any significant outside sources of funding; and

''(V) the Federal department or agency to which the activity belongs;

''(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

''(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

''(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

''(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as 'cost-per-audience' or 'cost-per-student' for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

''(i) 'effective' for activities that—

''(I) set appropriate goals;

''(II) achieve results; and

''(III) are well-managed and cost efficient;

''(ii) 'moderately effective' for activities that—

''(I) achieve some results;

''(II) are generally well-managed; and

''(III) need to improve their performance results or cost efficiency, including reducing overhead;

''(iii) 'ineffective' for activities that—

''(I) are not making sufficient use of available resources to achieve stated goals;

''(II) are not well-managed; or

''(III) have excessive overhead; and

''(iv) 'results not demonstrated' for activities that—

''(I) do not have acceptable performance public diplomacy metrics for measuring results; or

''(II) are unable or failed to collect data to determine if they are effective.

''(2) OTHER REPORTS.—

''(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

''(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

''(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.''.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'', the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

SA 3231. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, Mr. COONS, Mr. BROWN of Ohio, 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. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term ''M23'' refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 3232. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LIEBERMAN, Mr. SCHUMER) 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 XII, add the following:

Subtitle E—Iran Sanctions

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the ''Iran Freedom and Counter-Proliferation Act of 2012''.

SEC. 1252. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) COAL.—The term ''coal'' means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''correspondent account'' and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term ''Iranian financial institution'' has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term ''shipping'' refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term ''vessel'' has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 1253. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

SEC. 1254. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the ''IAEA'') has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the ''potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities''.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and

prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1255. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) MATERIALS DESCRIBED.—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) DETERMINATION WITH RESPECT TO USE OF MATERIALS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) NATIONAL BALANCE SHEET OF IRAN DEFINED.—For purposes of this section, the term ''national balance sheet of Iran'' refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

SEC. 1256. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.

(a) IN GENERAL.—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section

6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

SEC. 1257. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1258. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of ''show trials'' in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of

the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

SEC. 1259. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

''SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

''(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

''(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

''(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

''(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

''(B) the misappropriation of proceeds from the sale or resale of such goods.

''(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

''(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

''(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.''.

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking ''or 105B(a)'' and inserting ''105B(a), or 105C(a)''; and

(2) by striking ''or 105B(b)'' and inserting ''105B(b), or 105C(b)''.

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

''Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.''.

SEC. 1260. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

''(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and''.

SEC. 1261. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''4 years'' and inserting ''10 years''; and

(2) in subsection (b), by striking ''4-year period'' and inserting ''10-year period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

SEC. 1262. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1263. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S. C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

SEC. 1264. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

SEC. 1265. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

SA 3233. 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 could enhance cooperation and coordination between the Governments of the United States and India 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 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, in coordination with the Department State, 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 3234. Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mr. TOOMEY, and Ms.

MIKULSKI) 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.

''(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, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

SA 3235. Mrs. BOXER 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 394, between lines 7 and 8, insert the following:

SEC. 1084. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

SA 3236. 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.

SA 3237. 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. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

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 THE 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 the 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).

SA 3238. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) 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 XIV, add the following:

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

SA 3239. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. SESSIONS, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. CORKER, and 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 G of title X, add the following:

SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit 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.

SA 3240. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COBURN, and Mr. PRYOR) 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:

Subtitle I—Federal Real Property Asset Management Reform

SECTION 1091. SHORT TITLE.

This subtitle may be cited as the ''Federal Real Property Asset Management Reform Act of 2012''.

SEC. 1092. TABLE OF CONTENTS.

The table of contents of this subtitle is as follows:

Sec. 1091. Short title.
Sec. 1092. Table of contents.
Sec. 1093. Expedited disposal of real property.
Sec. 1094. Property management policy.
Sec. 1095. Consideration of life-cycle cost required.

SEC. 1093. EXPEDITED DISPOSAL OF REAL PROPERTY.

Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) COUNCIL.—The term 'Council' means the Federal Real Property Council established by section 623(a).

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) DISPOSAL.—The term 'disposal' means any action that constitutes the removal of

any real property from the Federal inventory, including sale, deed, demolition, or exchange.

''(5) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an executive department or independent establishment in the executive branch of the Government; and

''(B) a wholly owned Government corporation.

''(6) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means any Federal real property asset.

''(B) INCLUSIONS.—The term 'real property' includes—

''(i) Federal buildings (as defined in section 3301); and

''(ii) occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

''(C) EXCLUSIONS.—The terms 'real property' does not include—

''(i) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));

''(ii) any property that is excepted from the definition of the term 'property' under section 102;

''(iii) a designated wilderness study area or other areas managed for wilderness characteristics;

''(iv) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

''(v) property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

''(vi) postal property owned by the United States Postal Service; or

''(vii) any property the Director excludes for reasons of national security.

''(7) FIELD OFFICE.—The term 'field office' means any office of a Federal agency that is not the headquarters office location for the Federal agency.

''(8) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

''(9) UNDERUTILIZED PROPERTY.—The term 'underutilized property' means any real property that is—

''(A) excess;

''(B) surplus;

''(C) underperforming; or

''(D) otherwise not meeting the needs of the Federal Government, as determined by the Director.

''§ 622. Duties of Federal agencies

''Each Federal agency shall—

''(1) maintain adequate inventory controls and accountability systems for real property under the control of the agency;

''(2) define current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

''(3) continuously survey real property under the control of the agency to identify underutilized property;

''(4) promptly report underutilized property to the Administrator;

''(5) establish goals that lead the agency to reduce underutilized property in the inventory of the agency not later than December 31, 2016;

''(6) reassign underutilized property to another activity within the agency if the property is no longer required for purposes of the appropriation used to make the purchase;

''(7) transfer underutilized property under the control of the agency to other Federal agencies and to organizations specified in section 321(c)(2);

''(8) obtain underutilized properties from other Federal agencies to meet mission needs before acquiring non-Federal property; and

''(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets.

''§ 623. Establishment of a Federal Real Property Council

''(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

''(b) PURPOSE.—The purpose of the Council shall be to develop guidance for the asset management program of each Federal agency.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed exclusively of—

''(A) the senior real property officers of each executive agency;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

''(d) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

''(1) establish an asset management plan, to be updated annually, which shall include performance measures to determine the effectiveness of real property management that are designed—

''(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a government-wide basis; and

''(B) allow for comparison of the performance of Federal agencies against industry and other public sector agencies in terms of performance;

''(2) develop standard use rates consistent throughout each category of space and with nongovernmental space use rates;

''(3) not later than 180 days after the date of enactment of this subchapter, and annually for a 5-year period thereafter, submit to the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a report that contains—

''(A) an analysis of the existing inventory of real property and the condition of that property, including data relating to—

''(i) the age and condition of the property;

''(ii) the size on the property in square footage and acreage;

''(iii) the geographical location of the property, including an address and description;

''(iv) operating costs associated with the property;

''(v) the history of capital expenditures associated with the property;

''(vi) sustainability metrics associated with the property;

''(vii) the number of Federal employees and functions housed in the property; and

''(viii) the relevance of each property to the mission of the Federal agency;

''(B) a list of real property assets that are field offices that are suitable for co-location into another real property asset;

''(C) an evaluation of the leasing process in effect as of the date of submission of the report to identify and document inefficiencies in that process;

''(D) a suggested strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly; and

''(E) an assessment of federally leased space, including—

''(i) a description of the overall quantity and type of space leased by Federal agencies; and

''(ii) an identification of current contracts for leased office space in which the leased space is not fully used or occupied (including a plan for subletting of unoccupied space if appropriate);

''(F) an analysis of all underutilized property under the jurisdiction of each Federal agency that can be removed from the Federal inventory and sold for proceeds, transferred, or otherwise disposed of, so as to reduce the civilian real property inventory and associated operating costs of the Federal Government;

''(G) an asset disposal plan, or an update of an asset disposal plan, that includes an annual goal established under section 622(5) to be used by Federal agencies in reducing, by not later than 5 years after the date of enactment of this subchapter, underutilized property in the inventory of the Federal Government;

''(H) the number of real property disposals completed, including the disposal method used for each individual real property; and

''(I) specific milestones, measurable savings, and evaluation criteria for the disposal of real property under this subchapter;

''(4) in accordance with subsection (e), identify and compile a list of real property assets that are field offices that are suitable for co-location into other real property assets; and

''(5)(A) review contracts for leased office space that are in effect as of the date of submission of the report; and

''(B) work with Federal agencies to renegotiate leases having at least 2 years remaining in the term of the leases to recognize potential cost savings as quickly as practicable.

''(e) CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.—

''(1) DEFINITION OF POSTAL PROPERTY.—In this subsection, the term 'Postal property' means any building owned by the United States Postal Service.

''(2) IDENTIFICATION OF REAL PROPERTY ASSETS.—Each year, the Council shall—

''(A) identify and compile a list of field offices that are suitable for co-location with another real property asset; and

''(B) submit the list to the Director of the Office of Management and Budget and the Postmaster General.

''(3) POSTAL PROPERTY.—

''(A) IN GENERAL.—Not later than 30 days after the completion of the list under paragraph (2), the Director of the Office of Management and Budget, in collaboration with the Postmaster General, shall identify field offices on the list that are within reasonable distance of a Postal property.

''(B) REASONABLE DISTANCE.—For purposes of this paragraph, a field office shall be considered within reasonable distance of a Postal property if the office would be able to fulfill the mission of the office if the office is located at the Postal property.

''(C) REVIEW BY POSTAL SERVICE.—Not later than 90 days after the receipt of the list submitted under paragraph (3)(B), the Postmaster General shall—

''(i) review the list; and

''(ii) submit to the Director of the Office of Management and Budget a report containing the conclusions of the review.

''(4) TERMS OF CO-LOCATION.—On approval of the recommendations under paragraph (4) by the Postmaster General and the applicable agency head, the co-location of a Postal property and an field office shall consist of the Executive agency that owns or leases the field office entering into a lease for space within the Postal property with United States Postal Service that has—

''(A) an initial lease term of not less than 5 years;

''(B) a cost that is within 5 percent of the prevailing market lease rate for a similarly situated space identified under this subsection.''.

SEC. 1094. PROPERTY MANAGEMENT POLICY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code (as amended by title I) is amended by adding at the end the following:

''§ 624. Database

''The Administrator shall—

''(1) not later than 1 year after the date of enactment of this subchapter, establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all Federal branch agencies, except when otherwise required for reasons of national security;

''(2) collect from each Federal agency such descriptive information (except for classified information) as the Administrator determines will best describe the nature, use, and extent of real property holdings for the Federal Government; and

''(3) to the extent consistent with national security, make the database established under paragraph (1) accessible to the public at no cost through the website of the General Services Administration.

''§ 625. Limitation on certain leasing authorities

''Notwithstanding any other provision of this subchapter, a Federal agency with independent leasing authority shall—

''(1) consult with the Administrator for all leases requiring a prospectus under section 3307;

''(2) acquire space at rates consistent with prevailing market rates for comparable facilities within the specified geographical area; and

''(3) not later than 180 days after the date of enactment of this subchapter and annually thereafter, submit to the Administrator a report that describes the use of the independent leasing authority during the period covered by the report.

''§ 626. Expedited disposal program

''(a) IN GENERAL.—

''(1) REQUIRED DISPOSAL.—

''(A) IN GENERAL.—On an annual basis, the Director shall require Federal agencies to dispose of, by sale, transfer, or other means of disposal, any real property determined by the Director to be underutilized property.

''(B) COSTS ASSOCIATED WITH DISPOSAL.—

''(i) IN GENERAL.—The Administrator may obligate an amount to pay any direct and indirect costs under section 572 related to identifying and preparing properties to be reported as excess by a Federal agency.

''(ii) REIMBURSEMENT.—An amount obligated under clause (i) shall be paid from the proceeds of any sale of underutilized property.

''(iii) NET PROCEEDS.—Net proceeds shall be distributed under subsection (b).

''(C) MAXIMUM NET PROCEEDS.—Underutilized property required to be disposed of by sale of under subparagraph (A) shall be sold at an auction that, as determined by the Administrator in consultation with the head of the applicable Federal agency, is structured and marketed to ensure the maximum amount of net proceeds.

''(D) MONETARY PROCEEDS REQUIREMENT.—

''(i) IN GENERAL.—Underutilized property may be sold under this section only if disposal of the property will generate monetary proceeds to the Federal Government that exceed the costs of disposal of the property.

''(ii) PROHIBITIONS ON NONCASH TRANSACTIONS.—A disposal of underutilized property under this section may not include any exchange, trade, transfer, acquisition of the like-kind property, or other noncash transaction as part of the disposal.

''(2) APPLICABILITY OF CERTAIN LAW.—Any expedited disposal of underutilized property conducted under this section shall not be subject to—

''(A) any section of An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes (16 U.S.C. 667b);

''(B) sections 107 and 317 of title 23;

''(C) sections 545(b)(8), 550, 553, 554, and 1304(b) of this title;

''(D) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

''(E) section 47151 of title 49;

''(F) section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d));

''(G) any other provision of law authorizing the conveyance of real property owned by the Federal Government for no consideration; or

''(H) any congressional notification requirement other than that in section 545 of this title.

''(b) USE OF PROCEEDS.—

''(1) IN GENERAL.—Of the proceeds received from the disposal of any real property under this subchapter—

''(A) not less than 80 percent shall be returned to the general fund of the Treasury for debt reduction;

''(B) the lesser of 18 percent or the share of proceeds otherwise authorized to be retained under law shall be retained by Federal agencies, subject to paragraph (2);

''(C) not more than 2 percent shall be made available to carry out section 627, subject to annual appropriations; and

''(D) any remaining share of the proceeds shall be returned to the general fund of the Treasury for Federal budget deficit reduction.

''(2) LIMITATION ON USE OF PROCEEDS.—Any proceeds retained by Federal agencies under this section shall be—

''(A) deposited into the appropriate real property account of the agency that had custody and accountability for the underutilized property, with the funds expended only as authorized in annual appropriations Acts;

''(B) used—

''(i) by not later than 1 year after the date of disposal of the real property; and

''(ii) only for activities relating to Federal real property asset management and disposal; and

''(C) if not used by the date described in subparagraph (A)(i), shall be deposited in the Treasury and used for Federal budget deficit reduction.

''(c) PUBLIC BENEFIT.—

''(1) CONVEYANCE.—If an underutilized property has not been disposed of by the date that is 2 years after the date the property is listed for sale, the Director, in consultation with the Administrator and the Secretary of Housing and Urban Development, may consider a request from the disposing agency that the underutilized property be conveyed to State and local governments or nonprofit organizations for various public purposes or uses as permitted by applicable law.

''(2) PREDOMINANT USE AND SIZE STANDARDS.—

''(A) IN GENERAL.—Underutilized property the predominant use of which is other than housing, and the area of which is equal to or greater than 25,000 square feet or the appraised fair market value of which exceeds $2,000,000, shall be considered to be unsuitable for disposal under this subsection.

''(B) APPRAISED FAIR MARKET VALUE.—The appraised fair market value described in subparagraph (A) shall be determined by the Federal agency with custody or control of the property, in consultation with the Administrator and standard appraisal practice.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) INCREASE IN SIZE OF INVENTORY.—Except as provided in subparagraph (B) and paragraph (2) and , if a Federal agency fails to make available for public sale the underutilized properties described in subsection (a) by the date that is 18 months after the date of a determination by the Director under subsection (a), that Federal agency, except for specific exceptions promulgated by the Director, shall not increase the size of the civilian real property inventory, unless the square footage of the increase is offset, within an appropriate time as determined by the Director, through consolidation, colocation, or disposal of another building space from the inventory of that agency.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a Federal agency that acquires any real property not under the administrative jurisdiction of the Federal Government, by sale or lease, until the Director submits a certification to Congress of the disposal of all of those surplus real properties.

''(2) WAIVER.—Paragraph (1) shall not apply to a Federal agency if—

''(A) the Federal agency submits to the Director and the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a written justification describing—

''(i) the reasons why the surplus real properties described in subsection (a) under the jurisdiction of the Federal agency were not disposed of; or

''(ii) why the restriction on growth without an identified offset obstructs the performance of a mission-critical function; and

''(B) Congress enacts a law approving the waiver.

''(3) OMB SCORECARD.—

''(A) IN GENERAL.—The Director shall prepare an annual scorecard measuring the success of each Federal agency in achieving savings under this subchapter.

''(B) GOVERNMENT-WIDE SAVINGS.—The Director shall use the scorecard described in subparagraph (A) to determine whether the sum of the savings of each agency is at least $15,000,000,000 over a 10-year period.

''(4) REPORT.—Not later than 1 year after the date of enactment of this subchapter and once for every 5-year period thereafter, the Council shall submit to the Director a report listing each Federal agency that fails to meet the applicable underutilized property reduction goal established under section 622(5), along with a list of the remaining underutilized properties of the Federal agency.

''(e) TERMINATION OF AUTHORITY.—The authority provided by this section terminates on the date that is 5 years after the date of enactment of this subchapter.

''§ 627. Homeless assistance grants

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE NONPROFIT ORGANIZATION.—The term 'eligible nonprofit organization' means a nonprofit organization that is a representative of the homeless.

''(2) HOMELESS.—The term 'homeless' has the meaning given the term in section 103 of

the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), except that subsection (c) of that section shall not apply.

''(3) PERMANENT HOUSING.—The term 'permanent housing' has the meaning given the term section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

''(4) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

''(5) REPRESENTATIVE OF THE HOMELESS.—The term 'representative of the homeless' has the meaning given the term in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(7) TRANSITIONAL HOUSING.—The term 'transitional housing' has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—To the extent amounts are made available under section 626 for use under this section, the Secretary shall make grants to eligible private nonprofit organizations through the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.), to purchase property suitable for use to assist the homeless in accordance with subsection (c).

''(2) TERMS AND CONDITIONS.—Except as otherwise provided in this section, a grant under this section shall be subject to the same terms and conditions as a grant under the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

''(c) USE OF PROPERTIES FOR HOUSING OR SHELTER FOR THE HOMELESS.—

''(1) ELIGIBLE USES.—An eligible private nonprofit organization that receives a grant under subsection (b) shall use the amounts received only to purchase or rehabilitate real property for use to provide permanent housing, transitional housing, or temporary shelter to the homeless.

''(2) TERM OF USE.—The Secretary may not make a grant under subsection (b) to an eligible private nonprofit organization unless the eligible private nonprofit organization provides to the Secretary such assurances as the Secretary determines necessary to ensure that any property purchased or rehabilitated using amounts received under the grant is used only for the uses described in paragraph (1) for a period of not less than 15 years.

''(d) PREFERENCE.—In awarding grants under subsection (b), the Secretary shall give preference to eligible private nonprofit organizations that operate within areas in which Federal real property is being sold under the disposal program authorized under section 626.

''(e) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to carry out this section.''.

(b) REPORT OF THE COMPTROLLER GENERAL.—Not later than 5 years after the date of enactment of this subtitle, the Comptroller General of the United States shall submit to Congress a report on the use by executive agencies of the authorities provided by this subtitle and amendments made by this subtitle.

SEC. 1095. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.

(a) IN GENERAL.—Section 3305 of title 40, United States Code, is amended by adding at the end the following:

''(d) CONSIDERATION OF LIFE-CYCLE COST REQUIRED.—

''(1) DEFINITIONS.—In this subsection:

''(A) LIFE-CYCLE COST.—The term 'life-cycle cost' means the sum of the following costs, as estimated for the lifetime of a building:

''(i) Investment costs.

''(ii) Capital costs.

''(iii) Installation costs.

''(iv) Energy costs.

''(v) Operating costs.

''(vi) Maintenance costs.

''(vii) Replacement costs.

''(B) LIFETIME OF A BUILDING.—The term 'lifetime of a real property asset' means, with respect to an asset, the greater of—

''(i) the period of time during which the asset is projected to be used; or

''(ii) 50 years.

''(2) REQUIREMENT.—The Council shall ensure that the life-cycle cost of a real property asset is considered in the construction or lease of a real property asset described in paragraph (3).

''(3) FEDERAL PUBLIC BUILDINGS SUBJECT TO REQUIREMENT.—A real property asset shall be subject to the requirement under paragraph (2) if—

''(A) construction or lease of the asset begins after the date on which the Council is established;

''(B) the estimated construction costs of the asset exceed $1,000,000;

''(C) in the case of a lease, the square footage of the asset is more than 25,000 square feet; and

''(D) Federal funding comprises more than 50 percent of the funding for the estimated construction or lease costs of the asset.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''621. Definitions.
''622. Duties of Federal agencies.
''623. Establishment of a Federal Real Property Council.
''624. Database.
''625. Limitation on certain leasing authorities.
''626. Expedited disposal program.
''627. Homeless assistance grants.''.

SA 3241. Mr. CARPER (for himself, Ms. COLLINS, 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, insert the following:

Subtitle __—GAO Mandates Revision Act

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''GAO Mandates Revision Act of 2012''.

SEC. __02. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

SA 3242. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, and Ms. COLLINS) 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, insert the following:

Subtitle __—Improper Payments Elimination and Recovery Improvement Act

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. __02. DEFINITIONS.

In this subtitle—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section __03(a)(1) of this subtitle.

SEC. __03. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. __04. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. __05. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. __06. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

SA 3243. Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LIEBERMAN, 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; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1221. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of

lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, ''What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.''

(4) In November 2011, a traditional loya jirga in Kabul declared that ''strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security'' and also stated, ''Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.''

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, ''Today we're agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.''

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement ''reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries' citizens, but also for the benefit of peace and security and stability in the region and around the world''.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, ''Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.''

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

SA 3244. 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 H of title X, add the following:

SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

''(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.''.

SA 3245. Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. CHAMBLISS, Mr. INHOFE, Mr. SESSIONS, 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; as follows:

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

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SA 3246. 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 such facilities as may be jointly determined by the Secretary of Defense and the Attorney General 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 3247. 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 paragraphs (2) and (3), 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 NUMBER.—The number of aircraft that may be transfered may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, subject to title XVII, or if such aircraft are otherwise 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 3248. Mr. SANDERS (for himself 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 B of title XXXI, add the following:

SEC. 3122. RENEWABLE ENERGY.

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking ''geothermal,'' and inserting ''geothermal (including geothermal heat pumps),''.

SA 3249. Mr. BEGICH 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. STRATEGIC SEAPORTS.

(a) REQUIREMENT TO CONSULT AND COOPERATE.—The Secretary of Defense and the Administrator of the Maritime Administration shall consult and cooperate to develop methods to improve the utilization by the Department of Defense and the Maritime Administration of the port infrastructure development program created by section 50302(c) of title 46, United States Code, for the improvement of strategic seaports.

(b) STRATEGIC SEAPORT DEFINED.—In this section, the term ''strategic seaport'' means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo capacity of the Department of Defense.

(c) AUTHORITY TO ACCEPT FINANCIAL ASSISTANCE.—Subparagraph (D) of section 50302(c)(2) of title 46, United States Code, is amended by striking ''assistance'' and inserting ''and financial assistance, including grants,''.

SA 3250. Mr. KOHL 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. ASSISTANCE FOR CIVIL SUPPORT MISSION TRAINING.

(a) ASSISTANCE AUTHORIZED.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 510. Training assistance

''(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units performing civil support activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center.

''(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

''(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

''(2) comply with other applicable provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''510. Training assistance.''.

SA 3251. Ms. LANDRIEU 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 IX, add the following:

SEC. 943. NATIONAL INSTITUTE FOR CYBER SECURITY EDUCATION AND TRAINING.

(a) IN GENERAL.—The Secretary of Defense shall establish an institute to be known as the ''National Institute for Cyber Security Education and Training'' (in this section referred to as the ''Institute''). The Institute shall not be an element of the Department of Defense.

(b) DIRECTOR.—The head of the Institute shall be the Director of the National Institute for Cyber Security Education and Training who shall be appointed by the Secretary of Defense from among qualified personnel of the Federal Government. If the person appointed Director of the National Institute for Cyber Security Education and Training is an officer or employee of a department or agency of the Federal Government other than the Department of Defense, the appointment shall be made with the concurrence of the head of such department or agency.

(c) PURPOSE.—The purpose of the Institute shall be to provide advanced cyber-security training for the following:

(1) Employees of the Federal Government engaged in cyber-security matters.

(2) Employees of private sector who are engaged in programs and activities with the Federal Government that require an expertise in cyber-security matters.

(d) ELEMENTS OF TRAINING.—The training provided by the Institute shall include the following:

(1) Expert instruction in cyber-security matters, including virtualized network environments that can adaptively model and simulate required training to familiarize and prepare cyber security personnel for the challenges posed by the cyber battlespace.

(2) Such other training, instruction, and educational components as the Secretary considers appropriate.

(e) STEM EDUCATIONAL COMPONENTS.—In addition to the training provided by the Institute, the Institute shall also develop and disseminate educational components on cyber-security themes and matters involving science, technology, engineering, and mathematics (STEM) that are suitable for elementary and secondary education purposes and for higher education purposes.

(f) PERSONNEL AND OTHER RESOURCES.—The Secretary shall provide the Institute such personnel and other resources as the Secretary considers appropriate for discharge by the Institute of its activities under this section.

(g) FUNDING.—Amounts authorized to be appropriated for the Department of Defense for operation and maintenance shall be available for the Institute for the discharge by the Institute of its activities under this section.

(h) PLAN FOR ESTABLISHMENT.—Not later than June 30, 2013, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the establishment of the Institute. The plan shall include a proposed structure of the Institute, a proposal for the intended activities of the Institute, and a schedule for selecting the location of the Institute within the United States.

SA 3252. Mrs. BOXER 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 394, between lines 7 and 8, insert the following:

SEC. 1084. NO REGULATION UNDER THE TOXIC SUBSTANCES CONTROL ACT OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

SA 3253. 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 B of title X, add the following:

SEC. 1015. ADDITIONAL SUPPORT FOR COUNTERDRUG TRAINING ACTIVITIES.

(a) SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—During fiscal years 2013 through 2019, the Secretary of Defense may provide support for the counterdrug activities of any State or local law enforcement agency for counterdrug-related training of law enforcement personnel, including funding for the following:

(1) The continued operation and maintenance of training facilities for the purpose of facilitating counterdrug activities of any Federal, State, local, or tribal law enforcement agency within or outside the United States.

(2) Associated support expenses for trainees and the provision of materials necessary to carry out such training, if such support is requested by the appropriate official of a State or local government.

(b) CONDUCT OF TRAINING OR OPERATIONS TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations for the purpose of aiding civilian law enforcement agencies.

(c) PROHIBITION ON LIMITATION OF SUPPORT.—In providing support pursuant to subsection (a), the Secretary may not limit the requirements for which support may be provided only to critical, emergent, or unanticipated requirements.

SA 3254. 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.''.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

SA 3255. Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) 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. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new sub paragraph (A):

''(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

''(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

''(I) in the case of generic agents, $5;

''(II) in the case of formulary agents, $17; and

''(III) in the case of nonformulary agents, $44.

''(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

''(I) in the case of generic agents, $0;

''(II) in the case of formulary agents, $13; and

''(III) in the case of nonformulary agents, $43.''; and

(2) by adding at the end the following new subparagraph:

''(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

''(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than $1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and

made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

''(iii) The provisions of this subparagraph shall not apply to any increase in cost-sharing amounts described in clause (i) that is made by the Secretary of Defense on or after October 1, 2022. The Secretary may increase copayments, as considered appropriate by the Secretary, beginning on October 1, 2022.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)(1)), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program—

(A) are—

(i) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(ii) obtained by refill through the national mail order pharmacy program; or

(B) are both available for an initial filling or obtained by refill at a military medical treatment facility.

(3) NO DENIAL.—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) WAIVER.—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term ''TRICARE for Life beneficiary'' means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

SA 3256. 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; as follows:

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

SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term ''joint professional military education research institutions'' means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term ''senior and intermediate joint professional military education colleges and universities'' means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

SA 3257. Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and 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 C of title I, add the following:

SEC. 132. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to four heavy duty polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment

under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) MEMORANDUM OF AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Navy, in concurrence with the Coast Guard, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling Navy and Coast Guard mission requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the Navy to the Coast Guard to be maintained and operated by the Coast Guard.

SA 3258. Mr. ALEXANDER (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 B of title XXVI, add the following:

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

SA 3259. Ms. COLLINS (for herself and Mr. CARPER) 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. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

''(a) IN GENERAL.—To provide timely and effective warnings regarding natural disasters, wars, acts of terrorism, other man-made disasters, and other hazards to public safety under this title, the Administrator shall—

''(1) modernize the integrated public alert and warning system of the United States (in this section referred to as the 'public alert and warning system') to ensure that under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety; and

''(2) implement the public alert and warning system.

''(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Administrator shall—

''(1) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

''(2) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

''(3) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency, to the extent technically feasible;

''(4) ensure training, tests, and exercises for the public alert and warning system are conducted, including—

''(A) through exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748), to the extent determined appropriate by the Administrator;

''(B) the conduct of periodic nationwide tests; and

''(C) by establishing and integrating into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled-Emergency Alert System;

''(5) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

''(6) in coordination with the Secretary, ensure that the public alert and warning system coordinates with the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

''(7) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers; and

''(8) coordinate with, and consider the recommendations of, the Select Advisory Committee established under section 1084(b) of the National Defense Authorization Act for Fiscal Year 2013.

''(c) SYSTEM REQUIREMENTS.—The public alert and warning system shall—

''(1) incorporate multiple communication systems and technologies, to the extent determined appropriate by the Administrator;

''(2) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

''(3) be designed to—

''(A) provide alerts that are accessible to the largest portion of the affected population feasible, including nonresident visitors and tourists and individuals with disabilities, to the extent technically feasible; and

''(B) improve the ability of remote areas to receive alerts; and

''(4) provide redundant alert mechanisms where practicable so as to reach the greatest number of people.

''(d) PILOT PROGRAMS.—The Administrator may conduct pilot programs for the purpose of demonstrating the feasibility of using a variety of methods for achieving the system requirements specified in subsection (c).

''(e) USE OF SYSTEM.—

''(1) LIMITATION.—Except to the extent necessary for testing the public alert and warning system, the Administrator may not transmit a message from the President using the public alert and warning system that does not relate to a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety.

''(2) CONSUMER OPT-OUT.—Nothing in this section shall be construed to supersede section 602 of the SAFE Port Act (47 U.S.C. 1201).

''(f) PERFORMANCE REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter through 2016, the Administrator shall make available on the public website of the Agency a performance report, which shall—

''(A) establish performance goals for the implementation of the public alert and warning system by the Agency;

''(B) describe the performance of the public alert and warning system, including—

''(i) the type of technology used for alerts and warnings issued under the system;

''(ii) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency; and

''(iii) the training, tests, and exercises performed and the outcomes obtained by the Agency;

''(C) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

''(D) identify other necessary improvements to the system; and

''(E) provide an analysis comparing the performance of the public alert and warning system with the performance goals established under subparagraph (A).

''(2) CONGRESS.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).''.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION SELECT ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the ''Administrator'') shall establish a select advisory committee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Select Advisory Committee (in this subsection referred to as the ''Select Advisory Committee'').

(2) MEMBERSHIP.—The Select Advisory Committee shall be composed of the following members:

(A) The Chairman of the Federal Communications Commission (or the Chairman's designee).

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (or the Administrator's designee).

(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary's designee).

(D) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary's designee).

(E) The Under Secretary for the National Protection and Programs Directorate (or the Under Secretary's designee).

(F) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

(G) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of federally recognized Indian tribes and national tribal organizations, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers.

(ii) Individuals who have the requisite technical knowledge and expertise to serve on the Select Advisory Committee, including representatives of—

(I) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(II) the broadcasting industry;

(III) the cellular industry;

(IV) the cable industry;

(V) the satellite industry;

(VI) consumer or privacy advocates;

(VII) national organizations representing individuals with disabilities, the blindness, deaf, and hearing loss communities, and the elderly; and

(VIII) organizations representing individuals with limited English proficiency.

(iii) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Administrator (or the Administrator's designee) shall serve as the Chairperson of the Select Advisory Committee.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Select Advisory Committee shall take place not later than 180 days after the date of enactment of this Act.

(B) OTHER MEETINGS.—After the initial meeting, the Select Advisory Committee shall meet, at least annually, at the call of the Chairperson.

(5) RECOMMENDATIONS.—The Select Advisory Committee may develop and submit in the annual reports under paragraph (6) recommendations for the continuation and improvement of the public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems; and

(C) recommendations for improvements to the public alert and warning system, including recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies, to the extend determined appropriate by the Select Advisory Committee;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vii) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(viii) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or use, any specific medium of communication or any particular device.

(6) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year after, the Select Advisory Committee shall submit to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318), the Administrator, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report describing the activities of the Select Advisory Committee and containing any recommendations of the Select Advisory Committee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section for each of fiscal years 2013 through 2017.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section (including the amendments made by this section) shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission.

SA 3260. 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.

(a) PROHIBITION.—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.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

SA 3261. 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, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(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 associated with 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 associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with 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 3262. 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 XII, add the following:

SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) ADDITIONAL GOALS.—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration or war or an authorization for the use of force.

SA 3263. 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:

On page 595, between lines 7 and 8, insert the following:

TITLE XXXVI—HUNTING, FISHING, AND RECREATIONAL SHOOTING

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Sportsmen's Act of 2012''.

Subtitle A—Hunting, Fishing, and Recreational Shooting

PART I—HUNTING AND RECREATIONAL SHOOTING

SEC. 3611. MAKING PUBLIC LAND PUBLIC.

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6) is amended—

(1) by striking ''SEC. 3. APPROPRIATIONS.—Moneys'' and inserting the following:

''SEC. 3. FUNDING.

''(a) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

''(2) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

''(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.''.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460*l*–5(c)(2)), by striking ''notwithstanding the provisions of section 3 of this Act'';

(B) in the first sentence of section 9 (16 U.S.C. 460*l*–10a), by striking ''by section 3 of this Act''; and

(C) in the third sentence of section 10 (16 U.S.C. 460*l*–10b), by striking ''by section 3 of this Act''.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking ''section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6)'' and inserting ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)''.

SEC. 3612. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen's Act of 2012.''.

SEC. 3613. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT

SEC. 3621. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This part may be cited as the ''Target Practice and Marksmanship Training Support Act''.

SEC. 3622. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16

U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3623. DEFINITION OF PUBLIC TARGET RANGE.

In this part, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 3624. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(2) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking ''(c) APPORTIONMENT'' and inserting ''(d) APPORTIONMENT''.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking ''section 4(d)'' and inserting ''section 4(e)''.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking ''sections 4(d) and (e)'' and inserting ''section 4(e)''.

SEC. 3625. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

PART III—FISHING

SEC. 3631. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

Subtitle B—National Fish Habitat

PART I—NATIONAL FISH HABITAT

SEC. 3641. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 3642(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 3644; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by

the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 3643(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 3642. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 3643; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 3643. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across

jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 3644. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 3645. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this part;

(4) assist the Secretary in carrying out the requirements of sections 3646 and 3648;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 3649;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant

Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 3653.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 3644(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 3646. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 3647. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

SEC. 3648. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

SEC. 3649. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 3644(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 3644(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 3644(b) that was based on a factor other than the criteria described in section 3644(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 3650. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

SEC. 3651. EFFECT OF PART.

(a) WATER RIGHTS.—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 3652. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 3653. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 3644(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 3649, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 3645(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 3646—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

PART II—DUCK STAMPS

SEC. 3661. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as ''duck stamps'') were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than $750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost $1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of $15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of $306 to $1,091 per acre.

SEC. 3662. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

''(b) COST OF STAMPS.—

''(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

''(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

''(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

''(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

''(B) the sale of stamps under this section during that fiscal year.''.

SEC. 3663. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting ''and subsection (d)'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

''(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).''.

SEC. 3664. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term ''actual stamp'' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term ''automated licensing system'' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term ''automated licensing system'' includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term ''electronic stamp'' means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the

Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

SEC. 3671. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the ''Joint Ventures Program'', in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

SEC. 3672. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 3672.

(4) INDIAN TRIBE.—The term ''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).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted for the purposes described in section 3671 and in accordance with section 3673.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 3673.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this part.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 3673. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

SEC. 3674. ADMINISTRATION.

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to

achieve the purposes described in section 3671.

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) REVIEW.—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 3671;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

SEC. 3675. GRANTS AND OTHER ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 3674.

(c) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 3676. REPORTING.

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 3671;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

SEC. 3677. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 3678. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

PART IV—REAUTHORIZATIONS

SEC. 3681. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 3682. PARTNERS FOR FISH AND WILDLIFE ACT.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking ''2011'' and inserting ''2017''.

SEC. 3683. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

''(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''; and'' and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

''(A) $20,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

SEC. 3684. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''6 years''; and

(2) by adding at the end the following:

''(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.''.

SEC. 3685. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''2006 through 2010'' and inserting ''2012 through 2017''.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking ''2005 through 2009'' and inserting ''2012 through 2017''.

SEC. 3686. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

SEC. 3687. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''22'';

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

SEC. 3688. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and in Louisiana'' and inserting '', the State of Louisiana, and other coastal States'';

(B) in paragraph (2), by striking ''in Maryland and Louisiana on Federal, State, and private land'' and inserting ''on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States''; and

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

''(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

''(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States''; and

(2) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

''(1) to eradicate or control nutria; and

''(2) to restore nutria damaged wetlands.''.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) COASTAL STATE.—The term 'coastal State' means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

''(2) PROGRAM.—The term 'program' means the nutria eradication program established by section 4(a).

''(3) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

''(1) to eradicate or control nutria; and

''(2) to restore wetlands damaged by nutria.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''the State of'' before ''Maryland'';

(B) in paragraph (2), by striking ''other States'' and inserting ''the coastal States''; and

(C) in paragraph (3), by striking ''marshland'' and inserting ''wetlands'';

(3) in subsection (c)—

(A) by striking ''(c) ACTIVITIES'' and inserting ''(c) ACTIVITIES IN THE STATE OF MARYLAND''; and

(B) by inserting '', and updated in March 2009'' before the period at the end;

(4) in subsection (e), by striking ''financial assistance provided by the Secretary under this section'' and inserting ''the amounts made available under subsection (f) to carry out the program''; and

(5) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program $6,000,000 for each of fiscal years 2012 through 2016, of which—

''(1) $2,000,000 shall be used to provide financial assistance to the State of Maryland;

''(2) $2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

''(3) $2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.''.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking ''2002 document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds'; and'' and inserting ''March 2009 update of the document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds' and originally dated March 2002;'';

(2) in paragraph (2)—

(A) by striking ''develop'' and inserting ''continue''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (2) the following:

''(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

''(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

''(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.''.

SA 3264. 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 A of title IX, add the following:

SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR COMMUNICATIONS.

(a) ADDITIONAL AUTHORIZED NUMBER OF ASDS.—Subsection (a)(1) of section 138 of title 10, United States Code, is amended by striking ''14'' and inserting ''15''.

(b) DESIGNATION AS ASD FOR COMMUNICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Communications.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to Assistant Secretaries of Defense and inserting the following:

''Assistant Secretaries of Defense (15).''.

SA 3265. Mrs. BOXER 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. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill

''(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by

this subsection in connection with any promotion, goods, services, or commercial activity in a manner that reasonably and falsely suggests that such use is approved, endorsed, or authorized by the Department or any component thereof.

''(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

''(A) 'GI Bill'.

''(B) 'Post-9/11 GI Bill'.

''(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

''(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) When any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

''(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(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 3697A the following new item:

''3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.''.

SA 3266. 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:

On page 2, after line 15, add the following:

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

SA 3267. 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 B of title IX of division A, add the following:

SEC. 915. 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''.

SEC. 916. EXEMPTION FROM INKSNA.

Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended to read as follows:

''(1) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term 'extraordinary payments in connection with the International Space Station' means payments in cash or in kind made or to be made by the United States Government for work on the International Space Station which the Russian Government pledged at any time to provide at its expense.''.

SA 3268. 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 title XI, add the following:

SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)''; and

(B) by adding at the end the following:

''(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

(3) by inserting after paragraph (2) the following:

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013,''.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''The annuity of an employee'' and inserting ''(1) Except as provided in paragraph (2), the annuity of an employee''; and

(3) by adding at the end the following:

''(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

''(i) 1 7/10 percent of that individual's average pay multiplied by so much of such individual's civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

''(ii) 1 percent of that individual's average pay multiplied by the remainder of such individual's total service.

''(B) An employee described in this subparagraph is an employee who—

''(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

''(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

SA 3269. 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 F of title X, add the following:

SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS FOR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.

Not later than _____ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(1) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

SA 3270. 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 the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The policy of the United States on the disposition of enemy combatants captured on the battlefield and detained in detention facilities in Afghanistan under the control of the United States, including any policies on the disposition of non-Afghanistan enemy combatants, enemy combatants that are Afghanistan nationals, and high-value detainees.

(2) An assessment of the capacity of the Government of Afghanistan to detain and prosecute the individuals described in paragraph (1) for purposes of maintaining the rule of law in Afghanistan.

(b) ENEMY COMBATANT DEFINED.—In this section, the term ''enemy combatant'' means an individual who—

(1) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(2) 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.

SA 3271. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) 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 XIV, add the following:

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

SA 3272. Mr. BLUNT 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 end of subtitle H of title X, add the following:

SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) TRANSFER OF FUNDS.—Not later than 30 days after the enactment of this Act, the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, $3,000,000 shall be transferred to the United States Postal Service for purposes of implementing the modernization of the Department of Defense's mail delivery system for the purposes set forth in subsection (a).

SA 3273. Mr. DEMINT 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. ___. NATIONAL RIGHT-TO-WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 3274. Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) 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. JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.

(a) COMMON FUND FOR HOSTAGES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall establish a common fund to be administered by the class representatives and agents for the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia). Such common fund shall—

(1) be administered to pay claims to the Americans held hostage in Iran, and to members of their families, who are identified as class members in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia; and

(2) be administered for purposes of satisfying such claims, as approved by the class representatives and agents identified in that case number.

(b) FUNDING.—

(1) SOURCES.—

(A) FINES AND PENALTIES.—

(i) IN GENERAL.—The Secretary of the Treasury shall pay to the fund under subsection (a) an amount equal to 50 percent of all amounts collected as fines and penalties by reason of the application of clause (ii) on or after the date of the enactment of this Act. The total amount of payments that may be made into the fund under this clause may not exceed the estimated total amount of payments to be made under subsection (d).

(ii) FINES AND PENALTIES.—The maximum fines and penalties authorized to be imposed,

in whole or in part, for violations of any conduct or activities with respect to any government or person by reason of their connection with or sponsorship by Iran are hereby increased by 100 percent.

(B) SEIZED OR FROZEN ASSETS.—The Secretary of the Treasury is authorized to pay to the fund under subsection (a)—

(i) any funds or property in which Iran has an interest, and

(ii) any funds or property in which any person or entity subject to any law providing for sanctions against Iran by reason of such person's or entity's relationship to or connection with Iran has an interest,

held by the United States (including in the form of a trust) or subject to any prohibition or regulation with respect to any financial transactions in connection therewith. The Secretary of the Treasury is authorized to vest and liquidate any property identified in this subparagraph in order to make payment as provided in this subparagraph.

(2) TIMING OF FUNDING.—Payments by the Secretary of the Treasury to the fund under subsection (a)—

(A) using funds held by the United States or funds subject to prohibition or regulation on the date of the enactment of this Act shall be made not later than 60 days after such date of enactment; and

(B) using funds that come into the possession of the United States or funds that become subject to prohibition or regulation after the date of the enactment of this Act shall be paid not later than 60 days after coming into the possession of the United States or becoming subject to prohibition or regulation, as the case may be.

(3) SATISFACTION OF CLAIMS.—Payments to the fund under subsection (a) shall be made until the amounts described in subsection (d) are satisfied in full. If the Secretary of the Treasury determines that the amounts can be fully satisfied within 1 year after the date of the enactment of this Act from funds other than those held by the United States as trustee, the Secretary of the Treasury may defer payment of funds held by the United States as trustee until one year after such date of enactment, but shall ensure during such 1-year period of deferral that any such funds held by the United States as trustee shall not be disbursed, transferred or otherwise constrained for payment as otherwise may be required under this section.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Funds paid to the fund under subsection (b) shall be distributed by the class representatives and agents to the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia) in the amounts described in subsection (d).

(2) PRIORITY.—Subject to subsection (d), payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(A) First, to each living former hostage identified as a class member under subsection (a)(1).

(B) Second, to the estate of each deceased former hostage identified as a class member under subsection (a)(1).

(C) Third, to each spouse or child of a former hostage identified as a class member under subsection (a)(1) if the spouse or child is identified as a class member under subsection (a)(1).

(d) AMOUNT OF PAYMENTS.—The amount of payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(1) For each former hostage described in subsection (c)(2)(A), $10,000 for each day of captivity of the former hostage.

(2) For the estate of each deceased former hostage described in subsection (c)(2)(B), $10,000 for each day of captivity of the former hostage.

(3) For each spouse or child of a former hostage described in subsection (c)(2)(C), $5,000 for each day of captivity of the former hostage.

(e) SUBROGATION.—The United States shall be fully subrogated, with respect to payments under this section, to all rights of each individual paid under subsection (d) against the Government of Iran or the Iranian Revolutionary Guard Corps or its affiliates or agents. The President shall pursue such subrogated rights as claims or offsets of the United States in appropriate ways until such subrogated claims have been resolved to the satisfaction of the United States.

(f) PRECLUSION OF SUIT AND WAIVER OF CLAIMS.—Upon payment of all amounts described in subsection (d), each person receiving such payment shall be precluded from bringing suit against Iran of any claim arising out of events occurring between November 3, 1979, and January 20, 1981, and all such claims as against Iran shall be deemed waived and forever released.

(g) REIMBURSEMENT OF SEIZED OR FROZEN ASSETS.—Upon payment of all amounts described in subsection (d), the President is authorized to make payments from amounts paid to the fund under subsection (b)(1)(A) to any person or entity described in subsection (b)(1)(B) for purposes of reimbursing such person or entity for funds or property of such person or entity held by the United States as identified in subsection (b)(1)(B).

(h) DEPOSIT OF FUNDS IN THE TREASURY.—Any amounts in the fund under subsection (a) that remain after the date on which payments of all amounts described in subsection (d) are made, or the date that is 2 years after the date of the enactment of this Act, whichever occurs later, shall be deposited in the Treasury of the United States.

SA 3275. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and 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; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral actions of a third party will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that ''[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes''.

SA 3276. Mr. LIEBERMAN (for himself and Mr. GRASSLEY) 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—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION

SEC. 1801. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 1802. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means the parcel of land—

(i) identified as ''Area I''; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term ''Federal land'' does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term ''memorial'' means the memorial authorized to be established under section 3(a).

SEC. 1803. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 1804. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

SA 3277. 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) The Federal Communications Commission and the National Telecommunications and Information Administration should also provide replacement spectrum to federal users before spectrum is reallocated.

(6) 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;

(7) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(8) realizing sharing is currently proposed as a possible long-term solution, federal government users should, to the extent practicable, explore how to best implement it to alleviate a lack of a variable bandwidth;

(9) 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) among existing Federal Government bands, certain frequencies and allocations are more well suited for reallocated to commercial use because it is identified internationally for commercial mobile services;

(10) consistent with the March 2012 National Telecommunications and Information Administration report ''An Assessment of the Viability of Accommodating Wireless Broadband in the 1755-1850 MHz Band'', 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;

(11) The Secretary of Defense should determine the feasibility of relocating to the extent practicable in the 1755-1780 MHz and the General Accountability Office should review the analysis performed; and

(12) if feasibility is shown by the Department of Defense and the General Accountability Office, the Federal communications Commission should consider reallocating this band to commerical use.

SA 3278. Mr. BLUNT 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 end of subtitle H of title X, add the following:

SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) TRANSFER OF FUNDS.—Of the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, $3,000,000 shall be transferred to the United States Postal Service not later than 30 days after the date of the enactment of this Act for purposes of implementing the modernization of the Department of Defense's mail delivery system for the purposes set forth in subsection (a).

SA 3279. 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; 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 carefully evaluated;

(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 but should be routinely evaluated;

(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;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

SA 3280. 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 C title IX, add the following:

SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCESS FOR REPORTING PENETRATIONS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—

(1) RAPID REPORTING.—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) REPORT ELEMENTS.—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) ACCESS.—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In this section, the term ''cleared defense contractor'' means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

SA 3281. 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 V of division A, add the following:

SEC. 561. INCENTIVE COMPENSATION PROHIBITION.

Section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, the institution may provide payment, based on the amount of tuition generated by the institution, to a third party unaffiliated with the institution that provides a set of services to the institution that may include, but not solely, recruitment services, regardless of whether the third party is affiliated with any other institution that provides educational services, if the third party does not make prohibited compensation payments to its employees, the institution does not pay the third party solely or separately for student recruitment services provided by the third party, and any recruitment information, including personally identifiable information, will not be used, shared, or sold with any other entity, including any affiliated institutions that provide educational services.''.

SA 3282. 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 such facilities as may be jointly determined by the Secretary of Defense and the Attorney General 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 3283. Mr. RUBIO (for himself and Mr. WYDEN) 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 IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State 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 implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

SA 3284. 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 C of title II, add the following:

SEC. 238. REPORT ON POTENTIAL FUTURE HOMELAND BALLISTIC MISSILE DEFENSE OPTIONS.

(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 potential future options for homeland ballistic missile defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current assessment of the threat to the United States from long-range ballistic missiles of North Korea and Iran, and an assessment of the projected future threat through 2022, including a discussion of confidence levels in such threat assessment.

(2) A description of the current United States homeland ballistic missile defense capability to defend against the current threat of limited ballistic missile attack from North Korea and Iran.

(3) A description of planned improvements to the current homeland ballistic missile defense system, and the capability enhancements that would result from such planned improvements.

(4) A description of potential additional future options for homeland ballistic missile defense, in addition to those described pursuant to paragraph (3), if the future ballistic missile threat warrants deployment of such options to increase the homeland ballistic missile defense capability, including—

(A) deployment of a missile defense interceptor site on the East Coast;

(B) deployment of a missile defense interceptor site in another location in the United States, other than on the East Coast;

(C) deployment of additional Ground-based Interceptors for the Ground-based Midcourse Defense system at Fort Greely, Alaska, Vandenberg Air Force Base, California, or both;

(D) deployment of Standard Missile–3 Block IIB interceptors on land or at sea; and

(E) any other options the Secretary considers appropriate.

(c) EVALUATION.—For each option described under subsection (b)(4), the Secretary shall provide an evaluation of the advantages and disadvantages of such option. The evaluation of each option shall include consideration of the following:

(1) Technical feasibility.

(2) Operational effectiveness and utility against the projected future threat.

(3) Cost, cost effectiveness and affordability.

(4) Adaptability to respond to changes in threat evolution.

(d) CONCLUSIONS AND RECOMMENDATIONS.—Based on the evaluation required by subsection (c), the Secretary shall include in the report required by subsection (a) such findings, conclusions, and recommendations as the Secretary considers appropriate for potential future options for homeland ballistic missile defense

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 3285. 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 F of title X, add the following:

SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS FOR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.

Not later than _____ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

SA 3286. Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; as follows:

On page 3, lines 8 through 10, strike ''and the Committee on Commerce, Science, and Transportation of the Senate'' and insert '', the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate''.

SA 3287. Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. LEVIN to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month; as follows:

In the fifth whereas clause of the preamble, strike ''5,082'' and insert ''5,205''.

In the tenth whereas clause of the preamble, strike ''60'' and insert ''65''.

In the fifteenth whereas clause of the preamble, strike ''each fiscal year'' and insert ''fiscal year 2005''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 29, 2012, at 9:30 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled ''Sandy and Its Impacts: A Local Perspective.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 29, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Reclaiming Our Image and Identity for the Next Seven Generations.''

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

COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on Novemer 29, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 29, 2012, at 10 a.m. in room 432 Russell Senate Office building to conduct a hearing entitled ''Creating Jobs and Growing the Economy: Legislative Proposals to Strengthen the Entrepreneurial Ecosystem.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jim Malachowski, an Air Force fellow assigned to the office of Senator CONRAD, be granted floor privileges for the remainder of the debate on S. 3254.

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that Maj. Leigh Hasson, the defense fellow for Senator BEGICH, be allowed floor privileges for the remainder of the debate on S. 3254.

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

Ms. AYOTTE. Mr. President, I ask unanimous consent that my Air Force legislative fellow, Active-Duty Maj. Alison ''Babs'' Kamataris, receive floor privileges for the remainder of the consideration of S. 3254, the Defense authorization bill.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Russ Cummings, a military fellow from Senator MANCHIN's office, be granted floor privileges for the remainder of the debate on 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 Scott Haller

of Senator UDALL's office be granted floor privileges for the duration of debate on S. 3254.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that Shannon Beebe, a legal fellow in Senator BLUMENTHAL's office, be granted floor privileges for the duration of the debate on the National Defense Authorization Act.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that Leigh Hasson, a fellow in Senator BEGICH's office be granted floor privileges for the consideration of S. 3254, DOD authorization bill.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that Captain Chris Bala, an Army fellow in Senator MURKOWSKI's office, be allowed floor privileges for the duration of the Senate's debate on S. 3254, the National Defense Authorization bill.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that Gary Mayo, an Army fellow in Senator HUTCHISON's office, be granted floor privileges during the consideration of S. 3254.

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

NO-HASSLE FLYING ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 3542 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3542) to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify training requirements for checked baggage arriving from preclearance airports, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask that the Klobuchar amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 3286) was agreed to, as follows:

AMENDMENT NO. 3286

(Purpose: To include the Committee on Homeland Security and Governmental Affairs of the Senate in the committees to which the report on re-screening of baggage is required to be submitted)

On page 3, lines 8 through 10, strike ''and the Committee on Commerce, Science, and Transportation of the Senate'' and insert '', the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate''.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No-Hassle Flying Act of 2012''.

SEC. 2. PRECLEARANCE AIRPORTS.

(a) IN GENERAL.—Section 44901(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(4) PRECLEARANCE AIRPORTS.—

''(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Assistant Secretary (Transportation Security Administration) may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

''(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term 'aviation security preclearance agreement' means an agreement that delineates and implements security standards and protocols that are determined by the Assistant Secretary, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

''(C) REPORT.—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

''(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Assistant Secretary determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosive detection system before such baggage continued on an additional flight or flight segment.

''(ii) The amount of Federal savings generated from the exercise of such authority.''.

(b) CONFORMING AMENDMENTS.—Section 44901 of title 49, United States Code, is amended by striking ''explosive'' each place it appears and inserting ''explosives''.

AMERICAN DIABETES MONTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 600 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 600) supporting the goals and ideals of American Diabetes Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to; the amendment to the preamble which is at the desk be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and that any statements related to the measure be printed in the RECORD.

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

The resolution (S. Res. 600) was agreed to.

The amendment (No. 3287) was agreed to, as follows:

AMENDMENT NO. 3287

In the fifth whereas clause of the preamble, strike ''5,082'' and insert ''5,205''.

In the tenth whereas clause of the preamble, strike ''60'' and insert ''65''.

In the fifteenth whereas clause of the preamble, strike ''each fiscal year'' and insert ''fiscal year 2005''.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 600

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as the ''CDC''), nearly 26,000,000 people in the United States have diabetes and 79,000,000 people in the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African-Americans, Asian-Americans, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population of the United States;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,205 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals age 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, the prevalence of diabetes in the United States increased by more than 300 percent;

Whereas the CDC reports that more than 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults in the United States and 26.9 percent of people in the United States age 65 and older have diabetes;

Whereas the CDC estimates that as many as 1 in 3 adults in the United States will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African-American, Asian-American, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for fiscal year 2005, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of more than 230,000 people in the United States in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 603 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 603) designating the week of November 26 through November 30, 2012 as National Nurse-Managed Health Clinic Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, today I rise to recognize all of the advanced practice nurses who work in Nurse-Managed Health Clinics in a resolution to designate November 26, 2012 through November 30, 2012 as National Nurse Managed-Health Clinic Week. National Nurse-Managed Health Clinic Week will provide a national platform from which to promote the pivotal services offered by the more than 200 nurse-managed health clinics in the United States. Led by advanced practice nurses, these clinics are a unique model for delivery of primary and preventive care.

Within Nurse-Managed Health Centers, nurse practitioners and other advanced practice nurses deliver high quality and cost-effective services to diverse populations of all age groups and ethnicities. A substantial share of the patients are uninsured or on Medicaid. As safety net providers, Nurse-Managed Health Clinics provide care regardless of a person's ability to pay. In addition to the provision of health care services, Nurse-Managed Health Centers play an important role in the health profession's education. Most Nurse-Managed Health Centers are affiliated with colleges of nursing and provide clinical education opportunities to over 3,100 students annually from the fields of nursing, medicine, pharmacy, social work, and public health.

A Senate Resolution will recognize the key role Nurse-Managed Health Centers play. I ask my colleagues to join me in supporting this tribute to Nurse-Managed Health Clinics.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD as if read.

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

The resolution (S. Res. 603) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 603

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of June 2011, more than 200 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers;

Whereas the 2011 report of the Institute of Medicine on the future of nursing highlights the work nurse-managed health clinics are doing to reduce health disparities by bringing evidence-based care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 26 through November 30, 2012, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

RELATIVE TO THE DEATH OF THE HONORABLE WARREN B. RUDMAN

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 604, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read follows:

A resolution (S. Res. 604) relative to the death of the Honorable Warren B. Rudman, former United States Senator for the State of New Hampshire.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be placed into the RECORD.

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

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 604

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas, while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas, with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the following blocks of time be set aside for the purpose of statements from retiring Senators: 11:30 a.m. to 12:30 a.m., Tuesday, December 4; 10 a.m. to 11 a.m., Thursday, December 6; and 12 noon to 1 p.m., Wednesday, December 12.

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

ORDERS FOR FRIDAY, NOVEMBER 30, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m. on Friday, November 30, 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; and that following any leader remarks, the Senate resume consideration of S. 3254, the DOD Authorization Act.

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

PROGRAM

Mr. LEVIN. There will be up to four rollcall votes at 9:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 604 as a further mark of respect to the memory of former Senator Warren B. Rudman of New Hampshire.

There being no objection, the Senate, at 11:37 p.m., adjourned until Friday, November 30, 2012, at 9:15 a.m.