

PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 4310) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2013 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR FISCAL YEAR 2013, AND FOR OTHER PURPOSES

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MAY 17 (legislative day, MAY 16), 2012.—Referred to the House Calendar and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 661]

The Committee on Rules, having had under consideration House Resolution 661, by a record vote of 8 to 1, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, under a structured rule. The resolution provides that no further general debate shall be in order. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of Rules Committee Print 112-22 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute.

The resolution makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution. The amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report or against amendments en bloc described in section 3 of the resolution.

Section 3 of the resolution provides that it shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. Finally, the resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text consisting of the text of Rules Committee Print 112-22 includes a waiver of the following points of order:

- Clause 4 of rule XXI, prohibiting appropriations in a legislative bill, because section 2831(c)(1) contains language which constitutes a reappropriation of existing funds (this violation will be cured if amendment #1, the Manager's amendment, is adopted);
- Section 306 of the Congressional Budget Act, prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee, because sections 904 and 1002 of Rules Committee Print 112-22 constitute language which falls within the jurisdiction of the Committee on the Budget and the bill was not referred to or reported by the Committee on the Budget; and
- Clause 7 of rule XVI, requiring that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, because numerous provisions contained in Rules Committee Print 112-22 fall outside of the jurisdiction of the Committee on Armed Services.

It is important to note that while the waivers are applicable to Rules Committee Print 112-22, the Rules Committee Print is identical to the bill as ordered reported by the Committee on Armed Services.

The waiver of all points of order against the amendments printed in this report includes a waiver of section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee, against amendment #38.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 223*

Motion by Mr. McGovern to report an open rule. Defeated: 1-8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 224*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #101, offered by Rep. McGovern (MA), Rep. Paul (TX), Rep. Smith (WA) and Rep. Jones (NC), which would require that the President carry out accelerated transition from U.S. Armed Forces to the Government of Afghanistan of combat operations by no later than the end of 2013; of military and security operations by the end of 2014, accompanied by the redeployment of U.S. troops; and pursue robust negotiations to address Afghanistan's and the region's security and stability. It is the sense of Congress that should the president determine the necessity for post-2014 deployment of U.S. troops in Afghanistan, the Congress should authorize any such presence of troops. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 225*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #122, offered by Rep. Kucinich (OH), which would define any offeror seeking to bid on a Department of Defense contract who has been found in violation of a federal or state law that results in a conviction, civil judgment or administrative ruling during the three years preceding the date of submission of the offer as not having a satisfactory record of integrity and business ethics. Would require that a potential contractor have a satisfactory record of integrity and business ethics in order to be eligible to receive a federal contract. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 226*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #123, offered by Rep. Kucinich (OH), which would prohibit the deployment of United States Armed Forces in support of a North Atlantic Treaty Organization mission without prior express authorization by Congress for such deployment, as required by the United States Constitution. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 227*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #218, offered by Rep. Kucinich (OH), which would prohibit a defense contractor from funding political action committees, independent expenditures or electioneering communications. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 228*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #178, offered by Rep. Keating (MA), which would freeze the transfer, reduction or elimination of Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff related to Air Force Global Strike Command and the surveillance mission of such command until the impact of the unit's loss and other information confirming that the Global Strike Command's surveillance mission will not be impeded is reported to Congress. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 229*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #67, offered by Rep. Markey (MA), Rep. Sanchez (CA) and Rep. Johnson (GA), which would eliminate funding for the Chemistry and Metallurgy Research Replacement Nuclear Facility; funding in the authorization bill would be reduced by \$100,000,000. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 230*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #2, offered by Rep. Tierney (MA), which would establish a permanent Special Inspector General for Overseas Contingency Operations to prevent waste, fraud and abuse in contingency contracting and serve as expert resource for Congress. Would wind down the Special Inspector General for Iraq Reconstruction (SIGIR) and Special Inspector General for Afghanistan Reconstruction (SIGAR). Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 231*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #186, offered by Rep. Tierney (MA), which would require the annual report on the United States Plan for Sustaining the Afghanistan National Security Forces to include metrics that evaluate the value and utility of ANSF development activities at the program level and that ties such activities to long-term strategic objectives. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 232*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #187, offered by Rep. Tierney (MA), which would establish an Assistant Secretary of Defense for Contingency Contracting, who will serve as the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting of the Department of Defense. Would provide that the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics is renamed as the Office of Contingency Contracting. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 233*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #27, offered by Rep. Andrews (NJ), which would make technical and clarifying changes to a section of the bill requiring a report on the transition away from the use of live tissue in certain medical training. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 234*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #191, offered by Rep. Barletta (PA), which would require a report on the Department of Defense's plan to increase air support while simultaneously reducing the number of National Guard troops along the U.S.-Mexico border. Would help to ensure that the plan does not compromise our border security and compels the Department of Defense to report to Congress any changes in illegal immigrant apprehension resulting after the plan's implementation. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Webster .....          | Nay  |                  |      |
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote no. 235*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #169, offered by Rep. Bass (CA) and Rep. Lankford (OK), which would require DoD to include an evaluation of practices related to human trafficking in contractor performance assessments. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 236*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #12, offered by Rep. Bordallo (GU), which would provide additional enhancements to the authorities provided to DoD under section 103(a) of Title I of the Sikes Act. Would authorize DoD, pursuant to a cooperative agreement under the Sikes Act, to provide funds for the long term maintenance and improvement of natural resources on non-DoD lands without first having to protect such lands through acquisition of easements under the authority of 10 USC 2684a. Would enhance the ability of DoD to take action to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 237*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #13, offered by Rep. Bordallo (GU), which would help the Department of Defense (DoD) better protect military installations and ranges from encroachment under the DoD Readiness and Environmental Protection Initiative and the Sikes Act by enhancing cooperation with the Departments of Agriculture, Commerce and Interior through the more effective integration of actions under REPI and the Sikes Act with the programs of those agencies. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 238*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #45, offered by Rep. Bordallo (GU), which would incorporate the text of H.R. 44, the Guam World War II Loyalty Recognition Act, into H.R. 4310 as Title XVII. Would implement the recommendations of the Guam War Claims Review Commission. Defeated: 18.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 239*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #199, offered by Rep. Bordallo (GU), which would establish the “Southern Sea Otter Military Readiness Area” in California. Would provide an exemption to incidental take provisions under the Endangered Species Act and the Marine Mammal Protection Act and provide for continued monitoring by the Secretary of the Navy and the Secretary of the Interior. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 240*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #214, offered by Rep. Boswell (IA) and Rep. Hinchey (NY), which would strike section 314, which prohibits the use of funds made available for the Department of Defense for the production or purchase of alternative fuel. Defeated: 1–8.

| Majority Members   | Vote | Minority Members   | Vote |
|--------------------|------|--------------------|------|
| Mr. Sessions ..... | Nay  | Mr. McGovern ..... | Yea  |

| Majority Members                  | Vote | Minority Members | Vote |
|-----------------------------------|------|------------------|------|
| Ms. Foxx .....                    | Nay  |                  |      |
| Mr. Bishop of Utah .....          | Nay  |                  |      |
| Mr. Woodall .....                 | Nay  |                  |      |
| Mr. Nugent .....                  | Nay  |                  |      |
| Mr. Scott of South Carolina ..... | Nay  |                  |      |
| Mr. Webster .....                 | Nay  |                  |      |
| Mr. Dreier, Chairman .....        | Nay  |                  |      |

*Rules Committee record vote no. 241*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #215, offered by Rep. Boswell (IA), which would direct the DoD and VA to conduct a joint study on the incidence rate of breast cancer in service members and veterans. The study must include the demographic information of those service-members and veterans, an analysis of the clinical characteristics of breast cancer diagnoses, possible exposures to hazardous elements and cancer risk factors, geographic areas of residence prior to deployment, and treatments received. The full cost of the study is offset from accounts that would remain above the Administration's request. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote no. 242*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #216, offered by Rep. Boswell (IA), which would direct the Secretary of Defense to submit a report on the effects of multiple deployments on the well-being of military personnel. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 243*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #18, offered by Rep. Braley (IA), which would require a report from the President, in consultation with the Secretaries of Defense, State and Veterans Affairs, on the long-term costs of military operations in Iraq, Afghanistan and Libya. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 244*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #75, offered by Rep. Broun (GA), which would eliminate the current mandatory retirement age for reserve officers who serve as chaplains, medical professionals, dental professionals, veterinarians, or Judge Advocate Generals, so long as they continue to meet any other current requirements for such service. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 245*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #104, offered by Rep. Broun (GA), which would require that the federal government may not intentionally kill a U.S. citizen acting against U.S. interests overseas, unless that citizen is killed while actively resisting or attempting to escape capture. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 246*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #146, offered by Rep. Carson (IN), which would require the Department of Defense to compile information on academic credit provided by institutions of higher education for experience gained in the military. Would require creation of a publicly accessible website that lists this information to assist service member decisions on pursuit of higher education. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 247*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #14, offered by Rep. Coffman (CO), which would add a provision to Title XVI, Subtitle C, Part VII in order to amend the False Statements Act by adding a new section 1041 that shall provide for increased penalties relating to small business fraud. Would extend the safe harbor provisions in Section 1681 to the new section 1041 of the False Statements Act. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 248*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #56, offered by Rep. Coffman (CO), which would reduce the number of General and Flag officers authorized in the Department of Defense. Would place a statutory cap of .05% of the authorized end strength of all components of the armed services for a given fiscal year. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 249*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #157, offered by Rep. Connolly (VA), Rep. Kingston (GA) and Rep. Hinchey (NY), which would clarify that development of energy resources on federal land to provide power for DOD installations does enhance DOD’s energy security. Would help meet energy security goals established by previous NDAA’s. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 250*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #113, offered by Rep. Cravaack (MN), which would require construction projects on Military Bases within the United States to use domestically produced Iron and Steel, unless the Secretary waives the “Buy America” requirement or during times of war or National emergency. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 251*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #53, offered by Rep. Cuellar (TX), Rep. Turner (OH), Rep. Poe (TX), Rep. Green (TX) and Rep. McCaul (TX), which would require the Secretary of Defense and the Secretary of Homeland Security, in conjunction with the Federal Aviation Administration, to develop and implement plans and procedures to fully integrate and utilize non-combat and aerial surveillance technologies and capabilities to enhance the security of the U.S. borders with Mexico and Canada. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 252*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #78, offered by Rep. Cummings (MD) and Rep. Chu (CA), which would add the Coast Guard to sections 507 and 535 of the bill, which require the Secretary of Defense to develop plans to expand diversity and prevent and track hazing. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 253*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #91, offered by Rep. DeFazio (OR) and Rep. Garrett (NJ), which would help the Pentagon achieve audit readiness by requiring the Pentagon to complete a validated full statement of budget resources (SBR), which list Defense funds received, obligated, and ultimately spent, by September 30, 2014. Would codify the timeline already established by Defense Secretary Panetta. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 254*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #92, offered by Rep. Ellison (MN), which would require contractors to disclose Federal election contributions and expenditures after a contract is awarded. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 255*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #43, offered by Rep. Fitzpatrick (PA), which would permit members of the Army who served honorably in the Tomb Guard Platoon of the 3d United States Infantry Regiment at the Tomb of the Unknowns at Arlington National Cemetery to be eligible for burial at Arlington National Cemetery. Defeated: 1–8.

| Majority Members   | Vote | Minority Members   | Vote |
|--------------------|------|--------------------|------|
| Mr. Sessions ..... | Nay  | Mr. McGovern ..... | Yea  |

| Majority Members                  | Vote | Minority Members | Vote |
|-----------------------------------|------|------------------|------|
| Ms. Foxx .....                    | Nay  |                  |      |
| Mr. Bishop of Utah .....          | Nay  |                  |      |
| Mr. Woodall .....                 | Nay  |                  |      |
| Mr. Nugent .....                  | Nay  |                  |      |
| Mr. Scott of South Carolina ..... | Nay  |                  |      |
| Mr. Webster .....                 | Nay  |                  |      |
| Mr. Dreier, Chairman .....        | Nay  |                  |      |

*Rules Committee record vote No. 256*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #126, offered by Rep. Garamendi (CA), which would require a GAO report regarding the transfer of the BAMS Maintenance Training Facility from Beale Air Force Base to Naval Air Station Pt. Mugu, California. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 257*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #130, offered by Rep. Garamendi (CA), which would require that Congress receive further studies and analyses regarding the costs and threats associated with building a third U.S. Ground-based Midcourse Defense missile site to be located on the East Coast. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 258*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #38, offered by Rep. Gingrey (GA), which would repeal subsections (a) and (c) of 5 U.S.C. section 7131 (allowing the use of civilian federal employee paid work time for union activities). Defeated: 0–9.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Nay  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 259*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #193, offered by Rep. Goodlatte (VA), which would make clear that any United States citizen detained in the United States on allegations resulting from the NDAA or the AUMF would be tried in a civilian court and be afforded their constitutional protections. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 260*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #190, offered by Rep. Hinchey (NY) and Rep. Heinrich (NM), which would require the Department of Defense to apply the Buy American Act to the procurement of photovoltaic devices, including through the Department’s use of Energy Savings Performance Contracts (ESPCs) and other contracts that utilize solar panels but purchases are made indirectly through a contractor. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 261*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #61, offered by Rep. Jackson Lee (TX), which would require the Secretary of Defense, prior to the implementation of the newly proposed outsourcing guidelines, to conduct an assessment to determine the effect that new outsourcing guidelines have or will have on minority and women-owned small businesses. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Webster .....          | Nay  |                  |      |
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 262*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #62, offered by Rep. Jackson Lee (TX), which would require the Secretary of Defense, prior to the awarding of defense contracts to private contractors, to conduct an assessment to determine whether the Department of Defense has carried out sufficient outreach programs to assist minority and women-owned small business. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 263*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #63, offered by Rep. Jackson Lee (TX), which would require the Secretary of Defense, prior to awarding of defense contracts to private contractors, to conduct an outreach program to assist minority and women-owned small businesses. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 264*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #241, offered by Rep. Jackson Lee (TX), which would require the Secretary of Defense, prior to awarding of defense contracts to private contractors, to conduct an outreach program to assist minority and women-owned small businesses. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 265*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #208, offered by Rep. Johnson (GA), which would express the support of Congress for the men and women of the United States Armed Forces, regardless of age, race, creed, color, sex, sexual orientation, national origin, religion, or disability. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 266*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #209, offered by Rep. Johnson (GA), which would include a finding that the NDAA authorizes a level of spending well in excess of defense spending limits under the Budget Control Act of 2011. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 267*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #32, offered by Rep. King (NY) and Rep. McCaul (TX), which would require the Department of Defense to award the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist perpetrated attack within the United States. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 268*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #122, offered by Rep. Kucinich (OH), which would define any offeror seeking to bid on a Department of Defense contract who has been found in violation of a federal or state law that results in a conviction, civil judgment or administrative ruling during the three years preceding the date of submission of the offer as not having a satisfactory record of integrity and business ethics. Would require that a potential contractor have a satisfactory record of integrity and business ethics in order to be eligible to receive a federal contract. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 269*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #239, offered by Rep. Labrador (ID), which would prohibit the use of unmanned aerial vehicles to conduct surveillance on American Citizens. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 270*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #176, offered by Rep. Langevin (RI), which would prevent procurement of additional ground-based interceptors equipped with a Capability Enhancement II exoatmospheric kill vehicle until after a successful operational test. Allows exceptions for test assets and maintenance of a warm line for the industrial base. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 271*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #177, offered by Rep. Langevin (RI), which would give the Secretary of Homeland Security primary authority to create, verify, and enforce measures with respect to the protection of critical infrastructure. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 272*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #180, offered by Rep. Langevin (RI), Rep. Connolly (VA), Rep. Ruppertsberger (MD) and Rep. Dicks (WA), which would create a National Office for Cyberspace in the Executive Office of the President, subject to Senate confirmation and empowered with budget authority, to coordinate, develop, and update information security policies and procedures across the federal government. Would also create an office of the Federal Chief Technology Officer to promote technological innovation in the federal government, establish public-private partnership initiatives, and for other purposes. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 273*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #221, offered by Rep. Larsen (WA) and Rep. Sanchez (CA), which would provide that the Secretary of Defense shall not be prohibited from proceeding with the planned reductions of nuclear weapons. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 274*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #202, offered by Rep. Larson (CT), which would guarantee access to behavioral health treatment, including applied behavior analysis, under TRICARE for the children of DOD armed services personnel with autism spectrum disorders, when prescribed by a physician. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 275*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #132, offered by Rep. Lee (CA), which would repeal the 2001 Authorization for Use of Military Force. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 276*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #8, offered by Rep. McCollum (MN), would prohibit them from sponsoring professional and semi-professional sports and athletes. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 277*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #48, offered by Rep. Miller (FL), which would clarify the EPA’s jurisdiction over lead fishing tackle with regards to the Pittman-Robertson excise tax exemption under Toxic Substances Control Act (TSCA) to prevent an undue cost bur-

den on members of our Armed Forces, who enjoy outdoor recreational opportunities. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 278*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #167, offered by Rep. Miller (CA), Rep. Sanchez (CA) and Rep. Visclosky (IN), which would exclude nuclear and non-nuclear health and safety, security and financial oversight of covered contractors from the scope of performance-based oversight requirements for National Nuclear Security Administration (NNSA) contractors. Would delete Section 3115 which establishes a new regulatory framework for health safety and security at NNSA facilities; would delete Section 3202, which covers the Defense Nuclear Facilities Safety Board (DNFSB), except for the section that requires the DNFSB secure an Inspector General. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 279*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #36, offered by Rep. Moran (VA) and Rep. Capps (CA), which would establish survivor benefit plan annuities for special needs trusts for the benefit of dependent children incapable of self support. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 280*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #159, offered by Rep. Moran

(VA), which would require OPM to conduct an annual Federal employee viewpoint survey of Federal employees. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 281*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #204, offered by Rep. Murphy (CT), which would require additional information in the Department of Defense's (DoD) annual report on manufactured goods purchased from foreign entities related to waivers of the Buy American Act. Would also require DoD to assess the domestic capacity to produce the items for which a waiver was granted. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 282*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #42, offered by Rep. Nugent (FL), which would strike the language in the bill regarding drug copays and insert a prohibition against any increase of cost-sharing rates for the pharmacy benefits program under TRICARE. Defeated: 2–7.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Yea  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 283*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #23, offered by Rep. Owens (NY) and Rep. Hochul (NY), which would give DOD the authority to offer preferences on large contracts to companies that subcontract with domestic small business manufacturers. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 284*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #194, offered by Rep. Pearce (NM) and Rep. Markey (MA), which would strike section 3156 and replace with a GAO study, which will determine which uranium enrichment companies the United States government can legally purchase uranium from for tritium production and for fuel to power our nuclear navy. Would also include the price of purchasing from each facility. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 285*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #97, offered by Rep. Peters (MI) and Rep. Tipton (CO), which would increase the government wide goal for participation in procurement contracts for small businesses from 25% to 26% and for small disadvantaged businesses from 5.0% to 5.5%. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 286*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #110, offered by Rep. Poe (TX), which would prohibit all assistance to Pakistan except assistance to ensure the safety of nuclear weapons. Defeated: 1–8.

| Majority Members         | Vote | Minority Members   | Vote |
|--------------------------|------|--------------------|------|
| Mr. Sessions .....       | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....           | Nay  |                    |      |
| Mr. Bishop of Utah ..... | Nay  |                    |      |

| Majority Members                  | Vote | Minority Members | Vote |
|-----------------------------------|------|------------------|------|
| Mr. Woodall .....                 | Nay  |                  |      |
| Mr. Nugent .....                  | Nay  |                  |      |
| Mr. Scott of South Carolina ..... | Nay  |                  |      |
| Mr. Webster .....                 | Nay  |                  |      |
| Mr. Dreier, Chairman .....        | Nay  |                  |      |

*Rules Committee record vote No. 287*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #112, offered by Rep. Poe (TX) and Rep. Barletta (PA), which would require that the Secretary of Defense make 10% of certain military equipment returning to the United States from Iraq and Afghanistan available for transfer to Federal, State, and Local law enforcement for border security along the southern border. Would define eligible equipment as high mobility multi-purpose wheel vehicles, night vision equipment, and MQ-9 Reaper drone aircraft. Defeated: 1-8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 288*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #165, offered by Rep. Polis (CO) and Rep. Sanchez (CA), which would strike funding for nuclear weapons activities beyond the budget request. Defeated: 1-8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 289*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #118, offered by Rep. Poe (TX), which would prohibit all assistance to the military forces of Pakistan. Defeated: 1-8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 290*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #232, offered by Rep. Quayle (AZ), which would consolidate federal data centers at the Department of Defense. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 291*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #82, offered by Rep. Quigley (IL), which would allow the Secretary to purchase alternative fuels if the Secretary certifies that purchasing alternative fuels would enhance mission success and protect American service members. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 292*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #144, offered by Rep. Rigell (VA), which would authorize the Inspector General to investigate allegations of retaliatory personnel actions against members of the Armed Forces, if submitted by the individual service member, for communicating with the news media without authorization from their chain of command. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 293*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #211, offered by Rep. Ruppberger (MD), which would prohibit the home port of the USNS Comfort from being changed from Baltimore to Naval Station Norfolk. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 294*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #74, offered by Rep. Schiff (CA), which would express a sense of Congress that 74 United States naval personnel killed aboard the U.S.S. Frank E. Evans (DD-754) on June 3, 1969 be commemorated by having their names added to the Vietnam Veterans Memorial Wall. The Evans had been operating in support of the Vietnam War immediately prior to diversion to a SEATO exercise just outside of the designated war zone, where a collision took place with HMAS Melbourne, an Australian aircraft carrier, on the night of June 3, 1969, resulting in the deaths of 74 personnel. The families and other shipmates and friends of the lost sailors have been working for years to get them added to the wall, noting that not only had they just left the designated war zone, but were due to return on completion of exercise. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 295*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #150, offered by Rep. Smith (WA), which would reverse restrictions on the authority of the Secretary of Energy, enabling higher-level and independent oversight of nuclear facilities and operations. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 296*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #121, offered by Rep. Speier (CA), which would require that sentencing of rape offenses in a military court be determined by a judge and that they refer to advisory sentencing guidelines similar to the Federal criminal courts. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 297*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #128, offered by Rep. Speier (CA), which would amend contractor cost inventories to be kept in usable, downloadable formats and include where the work is performed, the total amount billed, overhead costs, and the cost if performed by a government employee. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 298*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #197, offered by Rep. Sutton (OH), which would amend section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 120 Stat. 2439), as most recently amended, to extend the authority for use of the Joint Improvised Explosive Device Defeat Fund (JIEDDF) to enable better protection for deployed U.S. forces from improvised explosive devices (IEDs). Would permit the use of the JIEDDF for actions and activities intended to disrupt IED networks that rely on explosive device precursors that transit into Afghanistan where they can be used as components in the manufacture of improvised and homemade explosives. Defeated: 1–8.

| Majority Members   | Vote | Minority Members   | Vote |
|--------------------|------|--------------------|------|
| Mr. Sessions ..... | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....     | Nay  |                    |      |

| Majority Members                  | Vote | Minority Members | Vote |
|-----------------------------------|------|------------------|------|
| Mr. Bishop of Utah .....          | Nay  |                  |      |
| Mr. Woodall .....                 | Nay  |                  |      |
| Mr. Nugent .....                  | Nay  |                  |      |
| Mr. Scott of South Carolina ..... | Nay  |                  |      |
| Mr. Webster .....                 | Nay  |                  |      |
| Mr. Dreier, Chairman .....        | Nay  |                  |      |

*Rules Committee record vote No. 299*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #86, offered by Rep. Thompson (CA), which would facilitate naturalization for military personnel, veterans and their families who have honorably served the United States Armed Forces. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 300*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #85, offered by Rep. Thornberry (TX), which would amend the United States Information and Educational Exchange Act of 1948 (known as the Smith-Mundt Act) and the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 to clarify the authorities of the Department of State and the Broadcasting Board of Governors to prepare, disseminate and use public diplomacy information abroad and to strike the current ban on domestic dissemination of such material. Would clarify that the Smith-Mundt Act's provisions related to public diplomacy information do not apply to other Federal departments or agencies (including the Department of Defense). Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 301*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #93, offered by Rep. Tonko (NY) and Rep. Speier (CA), which would limit the cost of federal compensation paid to defense contractors to \$400,000 per individual per fiscal year. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 302*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #24, offered by Rep. Velázquez (NY), which would require each branch of the military to develop and implement a policy to address incidents of hazing. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 303*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #26, offered by Rep. Velázquez (NY), which would require each member of the armed forces to attend diversity and anti-hazing training on a regular basis. Would also require each branch of the military to collect data on each incident of hazing. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 304*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #28, offered by Rep. Velázquez (NY), which would require each branch of the military to develop an anonymous phone tip-line for reporting incidents of hazing. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |

| Majority Members           | Vote | Minority Members | Vote |
|----------------------------|------|------------------|------|
| Mr. Webster .....          | Nay  |                  |      |
| Mr. Dreier, Chairman ..... | Nay  |                  |      |

*Rules Committee record vote No. 305*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #30, offered by Rep. Velázquez (NY), which would create the Military Hazing Prevention Oversight Panel to monitor and make recommendations to improve the military's anti-hazing policies. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 306*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #171, offered by Rep. Welch (VT) and Rep. Gibson (NY), which would authorize funding for any state wishing to include an outreach program (as authorized in Section 590 of the FY12 NDAA) as part of that state's Yellow Ribbon Reintegration Program. Outreach programs may include the training of veterans to work directly with returning National Guard members and/or their families on issues related to reintegration such as financial, employment, mental or physical health, or family issues. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 307*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #134, offered by Rep. Young (AK), Rep. Bordallo (GU) and Rep. Loebsack (IA), which would expand full Space Available travel benefits on military aircraft to “gray area” retirees (National Guard members or Reservists who are eligible for retirement but under the age of 60) and surviving spouses. Would include a provision that would allow the Secretary of Defense to establish the priority categories for Space A travel and offsets with \$2 million from Weapons Procurement, Navy, JSOW. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 308*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #135, offered by Rep. Young (AK), Rep. Bordallo (GU) and Rep. Loeb sack (IA), which would expand full Space Available travel benefits on military aircraft to “gray area” retirees (National Guard members or Reservists who are eligible for retirement but under the age of 60) and surviving spouses. Would include a provision that would allow the Secretary of Defense to establish the priority categories for Space A travel. Defeated: 1–8.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Nay  | Mr. McGovern ..... | Yea  |
| Ms. Foxx .....                    | Nay  |                    |      |
| Mr. Bishop of Utah .....          | Nay  |                    |      |
| Mr. Woodall .....                 | Nay  |                    |      |
| Mr. Nugent .....                  | Nay  |                    |      |
| Mr. Scott of South Carolina ..... | Nay  |                    |      |
| Mr. Webster .....                 | Nay  |                    |      |
| Mr. Dreier, Chairman .....        | Nay  |                    |      |

*Rules Committee record vote No. 309*

Motion by Mr. Sessions to report the rule. Adopted: 8–1.

| Majority Members                  | Vote | Minority Members   | Vote |
|-----------------------------------|------|--------------------|------|
| Mr. Sessions .....                | Yea  | Mr. McGovern ..... | Nay  |
| Ms. Foxx .....                    | Yea  |                    |      |
| Mr. Bishop of Utah .....          | Yea  |                    |      |
| Mr. Woodall .....                 | Yea  |                    |      |
| Mr. Nugent .....                  | Yea  |                    |      |
| Mr. Scott of South Carolina ..... | Yea  |                    |      |
| Mr. Webster .....                 | Yea  |                    |      |
| Mr. Dreier, Chairman .....        | Yea  |                    |      |

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. McKeon (CA): Manager’s Amendment. Would make conforming changes in the bill. (10 minutes)
2. Landry (LA): Would specify that the use of information collected via unmanned aerial vehicles by the U.S. Department of Defense may not be used as evidence in a court of law against an individual without first having a warrant issued. (10 minutes)
3. Kucinich (OH), Conyers (MI): Would prohibit the Joint Special Operations Command from conducting “signature” drone strikes, drone strikes against targets whose identity is not known or based solely on patterns of behavior this target. (10 minutes)
4. Rohrabacher (CA): Would prohibit the availability of funds for assistance to Pakistan in fiscal year 2013. (10 minutes)

5. Lee, Barbara (CA), Conyers (MI), Jones (NC), Welch (VT), Woolsey (CA): Would end the war in Afghanistan by limiting funding to the safe and orderly withdrawal of U.S. troops and military contractors from Afghanistan. (20 minutes)

6. Connolly (VA): Would withhold funds from the Coalition Support Fund until the Secretary of Defense certifies that Pakistan has opened the Ground Lines of Communication, is allowing the transit of NATO supplies through Pakistan into Afghanistan, is supporting the retrograde of U.S. equipment out of Afghanistan. (10 minutes)

7. Rooney (FL): Would direct the Department of Defense to hold detainee trials in the US Facility at Guantanamo Bay, Cuba, and not in the United States. (10 minutes)

8. Bartlett (MD), Flake, Jeff (AZ): Would prevent federal agencies from requiring contractors to sign an anti-competitive and costly project labor agreement (PLA) as a condition of winning a federal construction contract. (10 minutes)

9. Conyers (MI), Ellison (MN): Would terminate the F-35B aircraft program. Would authorize the Secretary to procure an additional number of F/A-18E or F/A-18F aircraft to replace the F-35B aircraft. (10 minutes)

10. Quigley (IL), Gutierrez (IL): Would eliminate funds available for procurement of the V-22 Osprey aircraft, and puts the savings toward deficit reduction. (10 minutes)

11. Markey, Edward (MA), Welch (VT), Conyers (MI): Would delay the development of the new long-range nuclear-capable bomber by ten years and the funding in the bill would be reduced by \$291,742,000, which is the amount planned for this bomber. (10 minutes)

12. Polis (CO), Sanchez, Loretta (CA): Would reduce the amount for the ground-based midcourse missile defense system by \$403 million. (10 minutes)

13. Hanna (NY): Would require the Secretary of Defense, within 180 days of enactment, to report to Congress on Air Force cyber operations research, science, and technology plans and capabilities. (10 minutes)

14. Bishop, Rob (UT), Cole (OK): Would clarify Section 322 on Military Industrial Depot Policy to ensure that core workloads completed at government military industrial depots include critical supply chain management and management expertise, and that modifications "in the nature" of programmed depot maintenance are not inadvertently precluded from core workload determinations. (10 minutes)

15. Gallegly (CA): Would create Military Readiness Areas off the California coast to allow the U.S. Navy to continue exercises and testing while allowing for the expansion of the southern sea otter into these Navy testing areas. Would also require U.S. Fish and Wildlife to coordinate and cooperate with the Navy when planning for the recovery and expansion of sea otters, while also protecting any other endangered species in this area. (10 minutes)

16. Hayworth (NY): Would express the Sense of Congress that the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employee unless the function is inherently governmental in nature. (10 minutes)

17. Coffman (CO): Would reintroduce competition to the contracting of government services and repeal the moratorium on A-76 procedures. (10 minutes)

18. Keating (MA): Would freeze the transfer, reduction or elimination of Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff until the impact of the unit's loss and certain other information is provided to Congress. (10 minutes)

19. Broun (GA): Would eliminate the maximum age limitation for individuals seeking to enlist in the U.S. military, provided they meet all of the other current qualifications for enlistment. (10 minutes)

20. Carson (IN): Would prohibit military promotion boards from considering any information from official documents, word of mouth, or in writing on the pursuit of treatment or counseling for mental health or addiction issues. Would require this information on this prohibition to be promulgated to current service members. (10 minutes)

21. Pingree (ME): Would add a Sense of Congress that Military Sexual Trauma (MST) continues to be a significant problem within the Department of Defense and many victims of MST suffer from Post Traumatic Stress Disorder. Would also state that the Secretary of Veterans Affairs should review the disability claims process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department. (10 minutes)

22. Stivers (OH): Would create a Tomb of Remembrance for each conflict moving forward for the interment of cremated fragments of service member remains that are unidentifiable by DNA or are unclaimed after a reasonable period of time. Would include Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom and Operation New Dawn in Iraq. The funding for the Tombs of Remembrance will come from the Office of the Secretary of Defense. (10 minutes)

23. Bishop, Tim (NY): Would express the sense of Congress that the remains of crewmen from the George 1 seaplane should be recovered from Thurston Island, Antarctica. (10 minutes)

24. Wittman (VA): Would establish a uniformed military Chain of Command for Army National Military Cemeteries. Would require that upon the completion of the tenure of the current civilian director, the director position will be filled by a commissioned officer in the United State Military. (10 minutes)

25. Petri (WI), Kind (WI): Would compensate certain military personnel who were prevented from using extra leave time, which was earned through multiple or extended deployments overseas as part of the Post-Deployment/Mobilization Respite Absence program, due to a government error. (10 minutes)

26. Cummings (MD), Filner (CA), Braley (IA), Connolly (VA), Donnelly (IN), Michaud (ME), Smith, Adam (WA), Tierney (MA), Yarmuth (KY): Would expand the protections under the Servicemembers Civil Relief Act (SCRA) to include servicemembers serving in a contingency operation, surviving spouses of servicemembers whose deaths are service-connected, and veterans who are totally disabled at the time of discharge. Would also repeal

the sunset provision that is set to expire at the end of this year and increases fines for violations of the SCRA. (10 minutes)

27. Israel (NY), King, Peter (NY): Would authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through public-private partnerships. (10 minutes)

28. Posey (FL): Would direct the Secretary of Defense to work with non-Federal entities and accept non-Federal funding under strict implementation guidelines to promote efficiencies of the space transportation infrastructure of the Department of Defense in commercial space activities. (10 minutes)

29. Sablan (MP): Would amend 10 U.S.C. 7310(a) to include the Northern Mariana Islands as an eligible location, in addition to the United States and Guam, for the overhaul, repair and maintenance of naval vessels and other vessels under the jurisdiction of the Secretary of the Navy. (10 minutes)

30. Johnson, Hank (GA): Would include a finding stating that the deployment of tactical nuclear weapons to South Korea would destabilize the Western Pacific region and would not be in the national security interests of the United States. (10 minutes)

31. Johnson, Hank (GA): Would require the Secretary of Defense and the Chairman of the Joint Chiefs to report to Congress regarding whether nuclear weapons reductions pursuant to the New START Treaty are in the national security interests of the United States. (10 minutes)

32. Price, Tom (GA): Would prohibit the President from making unilateral reductions to U.S. nuclear forces. (10 minutes)

33. Flake, Jeff (AZ): Would require the Department of Defense to compile a report describing written communications to the Department from Congress regarding military construction projects on the future years defense program. (10 minutes)

34. Thompson, Mike (CA), Dicks (WA): Would require the Navy to submit a report to Congress within 120 days of enactment, detailing how they intend to utilize the National Oceanic and Atmospheric Administration working group maps to develop new siting and wildlife mitigation protocols for Navy training and testing activities. (10 minutes)

35. Brown, Corrine (FL): Would authorize remediation of a navigational hazard endangering cargo and military vessels, and affecting economic development in the region. (10 minutes)

36. Grimm (NY), Tonko (NY), Bilirakis (FL), Castor (FL): Would amend the 2003 NDAA to increase the number of authorized Weapon of Mass Destruction Civil Support Teams within the Army National Guard from 55 to 57. (10 minutes)

37. Baca (CA): Would reduce the DOD strategic environmental research development program by \$4 million and authorize the U.S. geological survey to conduct a study of water resources and perchlorate contamination in the Rialto-Colton Basin, which is near a former DOD installation in California's Inland Empire. (10 minutes)

38. Rigell (VA): Would replace the pending sequester of discretionary spending for fiscal year 2013 and replaces it by reducing the discretionary spending limit for that year so that it conforms with concurrent resolution on the budget deemed in force in the House, but this replacement is contingent upon the enactment of

spending reductions over five years of at least the amount of the sequester it supplants. Would also require detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense. (10 minutes)

39. Gingrey (GA): Would express the sense of Congress that active military personnel that either live in or are stationed in Washington, DC would be exempt from existing District of Columbia firearms restrictions. (10 minutes)

40. Bishop, Tim (NY), Hanna (NY): Would honor the service of Air Raid Wardens and all other Americans who volunteered for service for the United States Office of Civilian Defense during World War II. (10 minutes)

41. Mack (FL): Would clarify the language of the Sunken Military Craft Act to restore its original intent. (10 minutes)

42. Lee, Barbara (CA), Frank (MA), Woolsey (CA), Blumenauer (OR): Would limit Department of Defense funding to the amount authorized under the Budget Control Act of 2011, resulting in an \$8 billion reduction in spending from the level authorized by the House Armed Services Committee. (10 minutes)

43. Ellison (MN): Would prohibit the authorization of Defense Department funds for tear gas and other riot control items to Middle East and North African countries undergoing democratic transition unless the Secretary of Defense certifies to the appropriate Congressional committees that the security forces of such countries are not using excessive force to repress peaceful, lawful and organized dissent. (10 minutes)

44. Granger (TX): Would provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. (10 minutes)

45. Gohmert (TX), Landry (LA), Rigell (VA), Duncan (SC), Barletta (PA): Would clarify that the FY 2012 National Defense Authorization Act and the 2001 Authorization for Use of Military Force (AUMF) do not deny the writ of habeas corpus or deny any Constitutional rights for persons detained in the United States under the AUMF who are entitled to such rights. (10 minutes)

46. Smith, Adam (WA), Amash (MI), Berman (CA), Garamendi (CA), Duncan (TN), Johnson, Hank (GA), Gosar (AZ), Hirono (HI), Paul (TX), Jackson Lee (TX), Tipton (CO), Labrador (ID): Would strike section 1022 of the FY2012 NDAA and amend Section 1021 of same Act to eliminate indefinite military detention of any person detained under AUMF authority in U.S., territories or possessions by providing immediate transfer to trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court. (10 minutes)

47. Duncan (SC), Jordan (OH): Would limit funds authorized to be appropriated by this Act to any institution or organization established by the Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. (10 minutes)

48. Coffman (CO), Polis (CO): Would authorize the President to remove all Brigade Combat Teams that are permanently stationed in Europe and replace them with a rotational force. (10 minutes)

49. Lee, Barbara (CA), Conyers (MI): Would appoint a Special Envoy for Iran to ensure that all diplomatic avenues are pursued to avoid a war with Iran and to prevent Iran from acquiring a nuclear weapon. (10 minutes)

50. Lamborn (CO): Would limit the availability of funds for Cooperative Threat Reduction activities with Russia until the Secretary of Defense can certify that Russia is no longer supporting the Syrian regime and is not providing to Syria, North Korea or Iran any equipment or technology that contributes to the development of weapons of mass destruction. (10 minutes)

51. Carnahan (MO): Would integrate duplicative functions related to contingency operation planning, management, and oversight, which are currently spread over several U.S. Departments and Agencies into the U.S. Office for Contingency Operations (OCO). (10 minutes)

52. Petri (WI), Johnson, Hank (GA): Would clarify that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that DOD obtain 25% of its facility energy from renewable sources by 2025. (10 minutes)

53. Bartlett (MD): Would require a report from the U.S. Marine Corps regarding the proposed transfer of land from the Bureau of Land Management to the U.S. Marine Corps for the expansion of 29 Palms for a Training Range Facility. (10 minutes)

54. Franks (AZ): Would limit the availability of funds for nuclear nonproliferation activities with the Russian Federation. (10 minutes)

55. Pearce (NM), Markey, Edward (MA): Would strike section 3156 from the bill. (10 minutes)

56. Heinrich (NM), Luján (NM): Would authorize a pilot program between one national laboratory and one non-profit entity for the purpose of accelerating technology transfer from national laboratories to the marketplace. (10 minutes)

57. Turner (OH): Would amend sections 3115 and 3202 to clarify that ensuring "adequate protection" is the applicable nuclear safety standard for defense nuclear facilities; that nuclear safety policies, regulations, analysis, and recommendations should be risk-based; and that nothing in these sections shall be construed to require a reduction in nuclear safety standards. (10 minutes)

58. Tierney (MA): Would require the Secretary of Defense to submit to Congress a report assessing the manufacturing industry of the United States as it relates to the ability of the United States to respond to both civilian and defense needs. Would require the report to include an analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities of that supply chain. (10 minutes)

59. Rehberg (MT), Lummis (WY): Would ban any reductions to the strategic nuclear triad unless the Secretary of Defense certifies that: (1) further reductions in the Russia Federation's arsenal are needed for compliance with New START limits; and (2) Russia is not developing or deploying nuclear delivery systems not covered by New START limits. Would also protect all three legs of the nuclear triad from elimination. (10 minutes)

60. Carson (IN): Would require the Department of Defense to conduct a survey of all service members deployed since September

11, 2001 to determine what personal safety equipment (such as ballistic eyewear and body armor) was not provided by the military and what equipment was purchased by the service member, family, or someone else. Would require an assessment to be provided to Congress on how to ensure that all service members receive the safety equipment they need in future conflicts. (10 minutes)

61. Garamendi (CA): Would require an assessment of the United States' manufacturing capability to produce three-dimensional integrated circuits and potential ways to overcome the challenges to encourage U.S. manufacturing. (10 minutes)

62. McDermott (WA): Would amend Section 315 of Title III to require a report on the sharing of environmental exposure data with the Secretary of Veterans Affairs for use in medical and treatment records of veterans, including using this data in determining the service-connectedness of health conditions and in identifying the possible origins and causes of disease. (10 minutes)

63. Smith, Adam (WA), Dicks (WA): Would provide the authority for a Secretary of a military department to enter into cooperative agreements with Indian Tribes for land management associated with military installations and state-owned National Guard installations. (10 minutes)

64. Pierluisi (PR): Would express the Sense of Congress regarding decontamination of and removal of unexploded ordnance from the former bombardment area on the island of Culebra, Puerto Rico. (10 minutes)

65. Bordallo (GU), Wilson, Joe (SC): Would codify the role and missions that the National Guard can perform under the State Partnership Program (SPP). Would also clarify the use of National Guard funding to support the SPP and codify that SPP missions must directly support the applicable COCOM commander and be coordinated with the senior Chief of Mission in any particular country. (10 minutes)

66. Altmire (PA): Would require the Department of Defense to conduct a report to Congressional defense committees on the feasibility of providing market-rate or below-market-rate telecommunications services to uniformed personnel transiting through foreign airports to and from deployment overseas, and investigate allegations of telecom companies specifically targeting military personnel in transit with above-market-rate fees, including the results of the investigation into the report. (10 minutes)

67. Kind (WI): Would allow the Secretary of Defense to enter into a military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training. (10 minutes)

68. Tierney (MA): Would require the Secretary of Defense to submit annually to the relevant congressional committees a report on the status of the targets listed in the document entitled "Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012". (10 minutes)

69. Cravaack (MN): Would provide for a sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert mission provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks on September 11, 2001. (10 minutes)

70. Quigley (IL), Hultgren (IL): Would require the GAO to conduct a review of the policies and procedures of the Department of Defense for the handling, labeling and packing of hazardous material shipments and make recommendations to the appropriate committees regarding the safe, timely, and cost-effective handling of such material. (10 minutes)

71. Cummings (MD), Chu (CA): Would add the Coast Guard to sections 507 and 535 of the bill, which require the Secretary of Defense to develop plans to expand diversity and prevent and track hazing. (10 minutes)

72. McKinley (WV): Would direct the Secretary of Defense to develop an online tour calculator so that Guard and Reserve members can keep tabs on their earned early retirement credit. (10 minutes)

73. Velázquez (NY): Would require each branch of the military to develop and implement an expedited procedure to transfer a service member who has been the victim of hazing to another unit. (10 minutes)

74. Chu (CA), Cummings (MD), Honda (CA): Would require the Department of Defense to provide an annual report to Congress on the prevalence of hazing and what actions they have taken to respond to a prevent hazing. Would also instruct the Comptroller General to institute a study across the Armed Services regarding the prevalence of hazing and current policies in place regarding hazing and make recommendations to prevent hazing incidents in the Armed Forces. (10 minutes)

75. Welch (VT), Gibson (NY): Would provide for coordination between Small Business Development Centers and Yellow Ribbon Reintegration Program for the purpose of providing assistance—such as developing a business model and understanding eligibility for certification as a Veteran Owned Business—to program recipients interested in starting a business. (10 minutes)

76. Walsh (IL): Would authorize the Secretary of Defense to include industry-recognized certifications in its pilot program on credentialing and licensing for members of the armed forces. Would enable servicemen and women to transfer military skills to the civilian workplace in industries that do not require licenses but do require industry-recognized certifications (e.g. Certified Welder from the American Welding Society) and fill the manufacturing sector's growing demand for skilled workers. (10 minutes)

77. Hunter (CA): Would require that the Navy, no later than 30 days after enactment, provide the Committee on House Armed Services with a report on the Navy's review, findings and actions pertaining to Medal of Honor nominee Marine Corps Sergeant Rafael Peralta. Would require that the report account for all evidence submitted. (10 minutes)

78. Kind (WI), Sensenbrenner (WI): Would waive the time limitation for the award of the Medal of Honor to Lt. Alonzo Cushing for heroic deeds during the Civil War. (10 minutes)

79. Nugent (FL): Would expand the eligibility for the Army Combat Action Badge to include those who served from December 7, 1941, to September 18, 2001. Would also provide, in accordance with the wishes of those veterans who first pursued this idea, that the costs of the Combat Action Badge would be borne by the veterans eligible for this badge, not the military. (10 minutes)

80. Thompson, Mike (CA), Hunter (CA): Would provide for the advancement of Brigadier General Charles E. Yeager, United States Air Force (Retired), on the retired list. (10 minutes)

81. Dent (PA): Would authorize the Secretary of Defense to conduct a feasibility study for the issuance of a summary of the DD-214 form for a member of the armed forces expected to be discharged under conditions other than dishonorable in the form of an identification card. Would provide that any card that would be issued to a covered member as a result of this study would not serve as proof to collect any benefits and a card would not be issued to covered members who would otherwise receive an identification card by the DoD or the Department of VA. (10 minutes)

82. Richardson (CA): Would add Department of Defense websites to the list of places for posting information on sexual assault prevention and response resources. (10 minutes)

83. Slaughter (NY), Tsongas (MA): Would require the Department of Defense to conduct an educational campaign regarding the Board of Correction for Military Records as an avenue for relief in cases where a current or former member of the Armed Forces has experienced retaliatory personnel actions for making a report of sexual assault or sexual harassment. (10 minutes)

84. Smith, Adam (WA), Davis, Susan (CA), Pingree (ME), Tsongas (MA), Turner (OH): Would establish a Sexual Assault Oversight Council to provide independent oversight of the Department of Defense as it implements sexual assault policies and laws to prevent and prosecute sexual assault in the Armed Forces. (10 minutes)

85. Boswell (IA): Would direct the Secretary of Defense to submit a report on the effects of multiple deployments on the well-being of military personnel. (10 minutes)

86. Terry (NE): Would amend title 4, United States Code, to authorize members of the Armed Forces not in uniform and veterans to render a military salute during the recitation of the Pledge of Allegiance. (10 minutes)

87. Carson (IN): Would require the Department of Defense to provide mid-deployment mental health screenings to service members deployed in combat zones. (10 minutes)

88. Andrews (NJ): Would make technical and clarifying changes to a section of the bill requiring a report on the transition away from the use of live tissue in certain medical training. (10 minutes)

89. Boswell (IA): Would direct the DOD and VA to conduct a joint study on the incidence rate of breast cancer in service members and veterans. The study must include the demographic information of those service-members and veterans, an analysis of the clinical characteristics of breast cancer diagnoses, possible exposures to hazardous elements and cancer risk factors, geographic areas of residence prior to deployment, and treatments received. The full cost of the study is offset from accounts that would remain above the Administration's request. (10 minutes)

90. Sessions (TX), Thompson, Mike (CA): Would direct the Secretaries of Defense (DOD) and Veterans Affairs (Secretaries) to carry out a five-year pilot program under which each Secretary establishes a process for providing payments to facilities for treatments of traumatic brain injury (TBI) or post-traumatic stress disorder (PTSD) received by members of the Armed Forces and veterans in

facilities other than military treatment facilities or Department of Veterans Affairs (VA) medical facilities. (10 minutes)

91. Jackson Lee (TX): Would direct the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to provide resources to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC). Would provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both TNBC patients to be identified earlier in the progression of their disease and develop multiple targeted therapies for the disease. (10 minutes)

92. Johnson, Hank (GA): Would support efforts to educate service members, veterans, military families, and the public about PTSD and to coordinate efforts across the federal government to promote prevention, diagnosis, and treatment of PTSD. (10 minutes)

93. DeLauro (CT), Granger (TX), Ellison (MN): Would prohibit the Defense Department from awarding a contract to supply helicopters to the Afghan Security Forces, directly or indirectly, to any entity controlled, directed or influenced by a state that has supplied weapons to Syria or a state-sponsor of terrorism. Would require any such contract to be competitively bid. (10 minutes)

94. Rivera (FL): Would prohibit any procurement contracts with any persons that have business operations with a state sponsor of terrorism. (10 minutes)

95. Larsen, Rick (WA): Would require an assessment and report relating to infrared technology sectors. (10 minutes)

96. Bass (CA), Lankford (OK): Would require DOD to include an evaluation of practices related to human trafficking in contractor performance assessments. (10 minutes)

97. Murphy, Christopher (CT): Would give manufacturers the opportunity to provide information to Department of Defense (DoD) regarding how their bid for a contract will affect domestic employment. Would allow DoD to take the Jobs Impact Statement into consideration, but does not mandate that DoD consider this information, when awarding the contract. (10 minutes)

98. Welch (VT), Gardner (CO): Would require the Army, Navy and Air Force to report to Congress on the progress of entering into Energy Savings Performance Contracts for the purpose of undergoing energy efficiency retrofits on military installations. (10 minutes)

99. Rogers, Mike (MI): Would clarify that the provision regarding military activities in cyberspace does not authorize covert action or alter the requirements of the covert action statute and provides for reporting of intelligence and intelligence-related support to military activities in cyberspace to the Congressional intelligence committees. (10 minutes)

100. Holt (NJ): Would create a National Language Service Corps to create a pool of personnel with foreign language skills upon whom the Department or other federal agencies can call upon as needed to meet the foreign language needs of the United States Government. (10 minutes)

101. Pierluisi (PR), Christensen (VI): Would express the Sense of Congress regarding the counterdrug Tethered Aerostat Radar System (TARS) program, stating that all appropriate steps should be taken to ensure that the eight current tethered aerostat systems

are fully functional and that the TARS program is providing coverage to protect jurisdictions of the United States in the Caribbean region, as well as jurisdictions of the United States along the United States-Mexico border and in the Florida Straits. (10 minutes)

102. Larsen, Rick (WA), Sanchez, Loretta (CA): Would require reports on the costs of maintaining and modernizing the nuclear deterrent. (10 minutes)

103. Braley (IA): Would require a report from the President, in consultation with the Secretaries of Defense, State and Veterans Affairs, on the long-term costs of military operations in Iraq, Afghanistan and Libya. (10 minutes)

104. Holt (NJ): Would create a Federal Mortuary Affairs Advisory Commission, modeled on the 9/11 Commission, in response to the Dover Port Mortuary scandal. Would provide a new, high-level vehicle for better sustained oversight of operations at Dover and the care of America's fallen. (10 minutes)

105. Harper (MS): Would require a review and report by the Secretary of the Air Force on the cancellation or consolidation of the Air National Guard Component Numbered Air Force Augmentation Force. Would also require a Comptroller General review of the report. (10 minutes)

106. Langevin (RI): Would direct the Director of the Defense Forensic Office to evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases. Would provide that among other items, the Defense Forensic Office may evaluate opportunities to assist other countries with moving forward with DNA database programs that requires a defined category of criminal offender to submit DNA to that foreign countries' national DNA database. (10 minutes)

107. Lewis, John (GA): Would require the Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, to post to cost of the wars in Afghanistan and Iraq to each American taxpayer on the Department of Defense's website. (10 minutes)

108. McCollum (MN): Would limit the Department of Defense's spending on military bands at \$200 million. (10 minutes)

109. Meehan (PA), King, Peter (NY), Miller, Candice (MI), McCaul (TX), Rogers, Mike (AL): Would require the Department of State to make a determination on whether or not Boko Haram meets the criteria to be designated a Foreign Terrorist Organization (FTO). Would require the Secretary of State to submit a report that describes why Boko Haram does not meet the qualifications outlined by law. (10 minutes)

110. Pompeo (KS), Garamendi (CA): Would express the Sense of Congress on the occasion of Air Mobility Command's 20th anniversary. (10 minutes)

111. Price, Tom (GA), Hultgren (IL), Meehan (PA): Would require the Department of Justice to order an investigation into the possible violation of U.S. law regarding numerous leaks of sensitive information involving U.S. and Israeli military, intelligence, and operational capabilities. Would provide the Administration with 30 days after bill becomes law to begin its investigation and 60 days after enactment to report to Congress. (10 minutes)

112. Richardson (CA): Would provide a sense of Congress that the United States Northern Command plays a crucial role in providing additional response capability to State and local governments. Would encourage United States Northern Command to leverage their expertise and enhance their relationship to other entities involved in disaster response. (10 minutes)

113. Sablan (MP): Would amend 10 U.S.C. 2249(b) to require that the official flags of the District of Columbia and the U.S. Territories be displayed whenever the flags of the States are displayed by the U.S. Armed Forces. (10 minutes)

114. Thornberry (TX), Smith, Adam (WA): Would amend the United States Information and Educational Exchange Act of 1948 (known as the Smith-Mundt Act) and the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 to clarify the authorities of the Department of State and the Broadcasting Board of Governors to prepare, disseminate and use public diplomacy information abroad and to strike the current ban on domestic dissemination of such material. Would clarify that the Smith-Mundt Act's provisions related to public diplomacy information do not apply to other Federal departments or agencies (including the Department of Defense). (10 minutes)

115. Thornberry (TX): Would require the President to submit to Congress a charter to establish an interagency body to coordinate and deconflict full-spectrum military cyber operations. (10 minutes)

116. Tierney (MA): Would require the President to submit the final report from the National Security Council's (NSC's) Interagency Policy Committee on Security Sector Assistance and the Secretaries of Defense and State shall jointly submit a plan to institute mechanisms to better coordinate, document, disseminate, and share information, analysis and assessments regarding United States foreign police assistance activities. (10 minutes)

117. Quayle (AZ): Would add a new element at the end of Section 2867(d)(1) of the National Defense Authorization Act for Fiscal Year 2012 that the report also include progress updates on consolidation goals and cost savings achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO-11-565). (10 minutes)

118. Cicilline (RI): Would strengthen the certification language in Sec. 1211 related to Pakistan. (10 minutes)

119. Flake, Jeff (AZ): Would require that a period of 30 days elapse between the date the Secretaries of Defense and State submit to Congress an update to the report on the strategy to utilize the Pakistan Counterinsurgency Fund and Congress making the remaining 90 percent of the funds available for assistance to Pakistan. (10 minutes)

120. Thornberry (TX): Would modify the reporting requirements in the Report on Progress Toward Security and Stability in Afghanistan required by Section 1230 of the National Defense Authorization Act for FY2008, as amended. Would add specificity to the data and hone the report toward a document that measures outcomes rather than activities. (10 minutes)

121. Cicilline (RI): Would tie funding of the Pakistan Counterinsurgency Fund to a certification requirements to ensure Pakistan

is making significant efforts toward the implementation of a strategy to counter improvised explosive devices (IEDs). (10 minutes)

122. Conaway (TX): Would build upon current economic sanctions and diplomatic efforts designed to prevent Iran from obtaining a nuclear weapon. Would enhance the military capabilities of the United States, Israel, and regional allies to give credible backing to the diplomatic efforts currently underway. (10 minutes)

123. Conyers (MI), Ellison (MN), Jones (NC), Paul (TX): Would clarify that nothing in the bill shall be construed as authorizing the use of force against Iran. (10 minutes)

124. Welch (VT): Would require the Department of Defense to report to Congress on the sustainability of any large scale infrastructure project built in Afghanistan. (10 minutes)

125. Duncan (SC), Ros-Lehtinen (FL), Sherman (CA): Would limit funds authorized to be appropriated by this Act to U.S. participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Israeli-Egypt peace treaty. (10 minutes)

126. Smith, Adam (WA), McKeon (CA), Rohrabacher (CA), McCarthy, Kevin (CA): Would remove commercial satellites and related components from the United States munitions list. (10 minutes)

127. Flake, Jeff (AZ), Mulvaney (SC): Would require that, pursuant to the authorizations in Title XV, any funds appropriated to an Overseas Contingency Operations Transfer Fund be used only to fund items or activities requested by the President for overseas contingency operations. (10 minutes)

128. Hunter (CA): Would extend the authority for the use of the Joint Improvised Explosive Device Defeat Fund to enable better protection for deployed U.S. forces from improvised explosive devices. (10 minutes)

129. Schrader (OR): Would amend the Small Business Act to direct the Administrator of the Small Business Administration (SBA) to establish and carry out a program to provide increased access to federal contract opportunities for early stage small businesses (no more than 15 employees and average annual receipts of no more than \$1 million). (10 minutes)

130. Jackson Lee (TX): Would require the Secretary of Defense, prior to the awarding defense contracts to private contractors, to conduct an assessment to determine whether the Department of Defense has carried out sufficient outreach programs to assist minority and women-owned small business. (10 minutes)

131. Fitzpatrick (PA): Would require veteran-owned small businesses to receive all preferences accorded to other groups in government contracting except for those given to service disabled veteran owned small businesses. (10 minutes)

132. Lankford (OK), Connolly (VA): Would eliminate the practice of human trafficking by government contractors by closing loopholes and increasing appropriate enforcement capabilities. (10 minutes)

133. Murphy, Tim (PA), Altmire (PA), Critz (PA), Doyle (PA): Would require that a proposal to reduce more than 1,000 members of the armed forces assigned at a military installation be transmitted via the President's budget request and include an evaluation of the fiscal, local economic, budgetary, environmental, stra-

tegic, and operational consequences of such closure or realignment. Would allow an exception for national security or military emergency. (10 minutes)

134. Doggett (TX): Would ensure the Department of Defense includes overseas military bases in criteria used to consider and recommend domestic military installations for closure or realignment. (10 minutes)

135. Critz (PA): Would require the Air Force to retain core functions of the Air Traffic Control Station at Johnstown Air National Guard Base. (10 minutes)

136. Young, Don (AK), Altmire (PA), Critz (PA), Doyle (PA): Would give Congress additional and much-needed oversight over present and future large permanent military force reductions. Would ensure that Congress has the ability to enforce cost, environmental, operational, and strategic accountability of these force reductions and it helps prevent backdoor BRACs. (10 minutes)

137. Tsongas (MA): Would provide that the Secretary of the Air Force may enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts, a Federally Funded Research and Development Center (FFRDC). Would also provide that nothing in the provision provides construction authorities beyond those existing under current law. (10 minutes)

138. Luján (NM): Would authorize a study of a multi-agency governance model for national security laboratories. (10 minutes)

139. Landry (LA), Fleming (LA), Scalise (LA), Green, Gene (TX), Andrews (NJ): Would strike Section 3503 of the legislation. This section allows the Maritime Administration to exempt itself from the Federal Acquisition Regulations and dispose of National Defense Reserve Fleet vessels using less than open and transparent competition. Striking the exemption provided by Section 3503 harmonizes the NDAA with 16 USC § 5405(c)(1) and 46 USC § 57102 and conforms to the recommendations of a 2005 GAO study. (10 minutes)

140. Cummings (MD), Landry (LA): Would require notification to Congress and publication on the Internet of information pertaining to the issuance of waivers to allow non-Jones Act qualified vessels to carry cargo between points in the United States. (10 minutes)

141. Young, Don (AK), Richardson (CA): Would express the sense of Congress that Department of Defense (DOD) should expedite completion of the study of the Nation's strategic ports called for in the National Defense Authorization Act for Fiscal Year 2012 Conference Report 112-329. Additionally, it directs DOD to provide a copy of the report to GAO for additional review of the extent to which the facilities at strategic seaports meet the Department of Defense's requirements. (10 minutes)

#### TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 448, strike line 21 and insert "Not later than 120 days after the date".

Page 448, line 23, strike "submit" and insert "provide".

Page 449, line 1, strike “report” and insert “briefing”.

Page 450, strike lines 8 through 15.

Strike the section heading for section 1104 and insert the following:

**SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Effective January 1, 2013, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1612), is further amended by striking “through 2012” and inserting “through 2013”.

Page 796, beginning line 12, strike “the Secretary may transfer appropriated funds available” and insert “the Secretary is authorized to transfer funds made available in fiscal year 2013”.

Page 840, line 4, strike the period and insert the following: “or with a detailed justification on the continued threat and how the continuation of the program would effectively address such threat.”.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANDRY OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 1084. PROHIBITION ON USE OF INFORMATION AGAINST A UNITED STATES CITIZEN GATHERED BY UNMANNED AERIAL VEHICLE WITHOUT A WARRANT.**

Notwithstanding any other provision of law, information acquired by an unmanned aerial vehicle operated by the Department of Defense may not be admitted in a Federal court, State court, or court of a political subdivision of a State as evidence against a United States citizen unless such information was obtained by such unmanned aerial vehicle pursuant to a court order.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON DEPLOYMENTS FOR NATO MISSIONS.**

(a) **LIMITATION.**—Beginning on the date of the enactment of this Act, the deployment of a unit or individual of the United States Armed Forces in support of a North Atlantic Treaty Organization mission may be made only after express statutory authorization has been obtained from Congress for such deployment.

(b) **DEPLOYMENT DEFINED.**—In this section, the term “deployment” has the meaning given that term in subsection 991(b) of title 10, United States Code.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHR-  
ABACHER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. PROHIBITION ON AVAILABILITY OF FUNDS FOR ASSIST-  
ANCE FOR PAKISTAN.**

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used to provide assistance for Pakistan.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF  
CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON FUNDS FOR OPERATIONS OF THE ARMED  
FORCES IN AFGHANISTAN.**

(a) IN GENERAL.—Funds made available to carry out this Act for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the use of funds for the continuation of combat operations in Afghanistan while carrying out the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; and

(2) to prohibit or otherwise restrict the use of funds available to any department or agency of the United States to carry out diplomatic efforts or humanitarian, development, or general reconstruction activities in Afghanistan.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY  
OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 542, after line 19, insert the following:

“(3) A certification of the Secretary of Defense that the Government of Pakistan—

“(A) has opened the Ground Lines of Communication;

“(B) is allowing the transit of NATO supplies through Pakistan into Afghanistan; and

“(C) is supporting retrograde of United States equipment out of Afghanistan.”.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROONEY OF  
FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10 . TRIAL OF FOREIGN TERRORISTS.**

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the United States or against any United States Government property or personnel outside the United States, and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code, shall be tried for that offense only by a military commission under that chapter.

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**8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTLETT OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle A of title XXVIII, add the following new section:

**SEC. 28 . USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.**

(a) REQUIREMENTS.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of Defense and the Secretaries of the military departments, when awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

“(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; and

“(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such an agreement.

“(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into an agreement with one or more labor organizations, as protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).”

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

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**9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle C of title I, add the following new section:

**SEC. 132. TERMINATION OF THE F-35B AIRCRAFT PROGRAM.**

(a) TERMINATION.—

(1) PROCUREMENT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any year thereafter may be obligated or expended to procure an F-35B aircraft, including through advance procurement.

(2) R&D.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any year

thereafter may obligated or expended for research or development of F-35B aircraft.

(b) F/A-18E/F.—In accordance with section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2217), as amended by section 123, the Secretary may procure an additional number of F/A-18E or F/A-18F aircraft, or combination thereof, that is equal to the number of F-35B aircraft that the Secretary planned to procure as of the date on which the budget of the President was submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013.

(c) CORRESPONDING FUNDING REDUCTION, INCREASES, AND DEFICIT REDUCTION.—

(1) REDUCTION.—

(A) PROCUREMENT.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced—

(i) by \$1,404,737,000, with the amount of the reduction to be derived from F-35B aircraft under Line 007 JSF STOVL as set forth in the table under section 4101; and

(ii) by \$106,199,000, with the amount of the reduction to be derived from F-35B aircraft under Line 008 Advance Procurement (CY) as set forth in the table under section 4101.

(B) R&D.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$737,149,000, with the amount of the reduction to be derived from under Line 133, Program Element 0604800M, Joint Strike Fighter (JSF) - EMD, as set forth in the table under section 4101.

(2) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, for Line 003 F/A-18E/F (Fighter) Hornet is hereby increased by \$459,645,614.

(3) BALANCE FOR DEFICIT REDUCTION.—Of the amounts reduced pursuant to subparagraphs (A) and (B) of paragraph (1), \$1,788,439,386 may not be made available for any purpose other than deficit reduction.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title I, add the following new section:

**SEC. 132. ELIMINATION OF AVAILABILITY OF FUNDS FOR PROCUREMENT OF V-22 OSPREY AIRCRAFT.**

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101

for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$1,303,120,000, with the amount of the reduction to be derived from Line 009 V-22 (Medium Lift) as set forth in the table under section 4101. The amount of such reduction shall not be available for any purpose other than deficit reduction.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title II, strike section 211 and insert the following new section:

**SEC. 211. DELAY OF NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.**

(a) PROHIBITION ON FUNDS.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2013 through 2023 for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of a long-range penetrating bomber aircraft.

(b) REDUCTION OF FUNDS.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$291,742,000, with the amount of the reduction to be derived from Line 042, Program Element 0604015F, Long Range Strike, as set forth in the table under section 4201.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 63, line 15, strike “\$1,261,000,000” and insert “\$857,695,000”.

Page 64, after line 2, insert the following new subsection:

(c) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in this section for the ground-based midcourse defense system, as specified in the corresponding funding table in division D, is hereby reduced by \$403,305,000, with the amount of the reduction to be derived from Ballistic Missile Defense Midcourse Defense Segment, Line 080, East Coast site planning and development, and EIS work program, as set forth in the table under section 4201. The amount of such reduction shall not be available for any purpose other than deficit reduction.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANNA OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title II, add the following new section:

**SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional de-

fense committees a study of Air Force cyber operations research, science, and technology. The report shall include following:

(1) The near-, mid- and far-term research and development priorities of the Secretary with respect to cyber operations, including the resources needed to execute such priorities.

(2) The percentage of research and development funding of the Air Force that is used to support cyber operations during each year covered by the future-years defense program submitted to Congress during 2012 under section 221 of title 10, United States Code.

(3) The anticipated role of each of the installations of the Air Force Research Laboratory with respect to cybersecurity research and development and operational support during each year covered by such future-years defense program.

(4) The resources, including both personnel and funding, that are projected to support the Air Force Research Laboratory in fulfilling such roles.

(5) Anticipated budget actions, if any, that the Secretary of Defense and the Secretary of the Air Force plan to take during fiscal year 2013 to ensure that the Department of Defense and the Air Force maintain the leadership role in cyber research.

(6) The plan of the Secretary of the Air Force to integrate cyber operations into military operations.

(7) The ways in which the Secretary is recruiting and retaining scientists and engineers at the Air Force Research Laboratory involved with cyber operations research, including the use of the authorities granted under the laboratory demonstration program established by Section 342 of the National Defense Authorization Act for Fiscal Year 1995 and section 1114 of the National Defense Authorization Act for Fiscal Year 2001.

(8) Efforts to coordinate science and technology cyber activities of the Air Force Research Laboratory with other Air Force organizations, including the Air Force Institute of Technology and the Air Force Institute of Technology Center for Cyberspace Research.

(9) The potential benefit to the Air Force for collaboration with private industry and the development of cyber security technology clusters.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 95, strike lines 15 through 18, and insert the following:

(4) in paragraph (2)(C), by striking the period and inserting “; and”; and

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGLY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title III, at the end of subtitle B add the following:

**SEC. \_\_\_\_ . SOUTHERN SEA OTTER MILITARY READINESS AREAS.**

(a) **ESTABLISHMENT OF THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.**—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2283. Establishment of the Southern Sea Otter Military Readiness Areas**

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish areas, to be known as ‘Southern Sea Otter Military Readiness Areas’, for national defense purposes. Such areas shall include each of the following:

“(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:

“N. Latitude/W. Longitude

“33°27.8′/119°34.3′

“33°20.5′/119°15.5′

“33°13.5′/119°11.8′

“33°06.5′/119°15.3′

“33°02.8′/119°26.8′

“33°08.8′/119°46.3′

“33°17.2′/119°56.9′

“33°30.9′/119°54.2′.

“(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line, as designated by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

“(3) The area that includes Marine Corps Base Camp Pendleton and the adjacent waters within the following coordinates:

“Latitude/W. Longitude

“33°26.6′/117°38.9′

“33°21.3′/117°45.8′

“32°56.2′/117°39.7′

“33°6.5′/117°28.5′

“33°10.2′/117°23.7′

“33°11.8′/117°23.2′

“33°26.6′/117°38.9′.

“(b) ACTIVITIES WITHIN THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—

“(1) INCIDENTAL TAKINGS UNDER ENDANGERED SPECIES ACT OF 1973.—Sections 4 and 9 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1538) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

“(2) INCIDENTAL TAKINGS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.—Sections 101 and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting military readiness activities.

“(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of any military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species

or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

“(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require the removal of any southern sea otter located within the Southern Sea Otter Military Readiness Areas as of the date of the enactment of this section or thereafter.

“(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection (b) if the Secretary of the Interior, in consultation with, and with the concurrence of, the Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are substantially impeding southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

“(e) MONITORING.—

“(1) IN GENERAL.—The Secretary of the Navy, in consultation and in cooperation with the Secretary of the Interior, shall monitor the Southern Sea Otter Military Readiness Areas not less often than every year to evaluate the status of the southern sea otter population.

“(2) REPORTS.—Within 18 months after the effective date of this section and every three years thereafter, the Secretaries of the Navy and the Interior shall jointly report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘incidental taking’ means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

“(2) The term ‘optimum sustainable population’ means, with respect to any population stock, the number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

“(3) The term ‘southern sea otter’ means any member of the subspecies *Enhydra lutris nereis*.

“(4) The term ‘take’—

“(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531–1544) shall have the meaning given such term in that Act; and

“(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1423h), shall have the meaning given such term in that Act.

“(5) The term ‘military readiness activity’ has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 703 note), and includes all training and operations of the Armed Forces that relate to combat, and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“2283. Establishment of the Southern Sea Otter Military Readiness Areas.”.

(c) CONSERVATION AND MANAGEMENT ACTIONS.—Section 1 of Public Law 99–625 (16 U.S.C. 1536 note) is amended by adding at the end the following:

“(g) CONSERVATION AND MANAGEMENT ACTIONS.—If the Secretary issues a final rule ending the management plan authorized under subsection (b) through the termination of the regulations implementing such plan—

“(1) the Secretary, in planning and implementing recovery and conservation measures under the Act to allow for the expansion of the range of the population of the sea otter, shall coordinate and cooperate with—

“(A) the Secretary of the Navy;

“(B) the Secretary of Commerce regarding recovery efforts for species listed under the Act; and

“(C) the State of California to assist the State in continuing viable commercial harvest of State fisheries; and

“(2) interaction with sea otters in the course of engaging in fishing in any State fishery south of Point Conception, California, under an authorization issued by the State of California shall not be treated as a violation of section 9 of the Act for incidental take or of the Marine Mammal Protection Act of 1972.”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYWORTH OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title III, add the following new section:

**SEC. 3 . SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

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

(1) our Nation’s economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the

conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) DEFINITION OF INHERENTLY GOVERNMENTAL.—In this section, the term “inherently governmental” has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title III, add the following new section:

**SEC. 3 . . . GUIDELINES AND PROCEDURES FOR USE OF CIVILIAN EMPLOYEES OR CONTRACTOR PERSONNEL TO PERFORM DEPARTMENT OF DEFENSE FUNCTIONS.**

(a) IMPLEMENTATION GUIDELINES AND PROCEDURES REQUIRED.—Subsection (a) of section 2463 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: “The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines and procedures to implement this section.”; and

(2) in paragraph (2), by striking “to performance by Department of Defense civilian employees” and inserting “to either performance by Department of Defense civilian employees or performance by contractor personnel”.

(b) CERTAIN FUNCTIONS.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under subsection (a) shall provide for special consideration to be given to using Department of Defense civilian employees to perform any function that is performed by a contractor if the function—

“(1) is closely associated with the performance of an inherently governmental function; or

“(2) has been performed pursuant to a contract awarded on a non-competitive basis.”.

(c) REPEAL OF EXCLUSION.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) through (g) as subsections (c) through (f), respectively.

(d) CROSS REFERENCE.—Paragraph (2) of subsection (d), as so redesignated, is amended by striking “inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1)” and inserting “inherently governmental function”.

(e) DEFINITIONS.—Subsection (f) of such section, as so redesignated, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 132, line 7, strike “106,005” and insert “106,700”.

Page 133, line 22, strike “14,952” and insert “14,833”.

At the end of subtitle G of title X, add the following new section:

**SEC. 1078. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANSFER, REDUCTION, OR ELIMINATION OF CERTAIN AIR NATIONAL GUARD UNITS.**

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used during fiscal year 2013 to transfer, reduce, or eliminate, or prepare to transfer, reduce, or eliminate, any unit of the Air National Guard supporting an Air and Space Operations Center or an Air Force Forces Staff.

(b) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 30 days has elapsed following the date on which such certification is submitted.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than June 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau and the Chief of Staff of the Air Force and approved by the Secretary of Defense that specifies, with respect to all Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff that are proposed to be reduced or eliminated during fiscal years 2013 through 2017—

(A) the economic analysis used to make each decision with respect to such unit to be reduced or eliminated;

(B) alternative options considered for each such decision, including an analysis of such options;

(C) a detailed account of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision;

(D) a detailed account of the communications with the corresponding command that went into each such decision;

(E) the effect of each such decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Air Force; and

(F) the plans for each location that is being realigned, including the analysis used for such plans.

(2) **GAO ANALYSIS.**—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of each decision made by the Secretary of Defense with respect to reducing or eliminating an Air national guard unit included in the report under paragraph (1).

(B) An analysis of the alternative options considered for each such decision, including an analysis of such options.

(C) An analysis of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision.

(D) An analysis of the communications with the corresponding command that went into each such decision.

- (E) An analysis of the effect of each such realignment decision on—
- (i) the current personnel at the location; and
  - (ii) the missions and capabilities of the Army; and
- (3) COOPERATION.—The Secretary of Defense shall provide the Comptroller General with relevant data and cooperation to carry out the analyses under paragraph (2).
- (4) SUBMITTAL.—Not later than 90 days after the date on which the Secretary submits the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the analyses conducted under paragraph (2).
- (d) FUNDING.—
- (1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 301 and 421 for operation and maintenance and military personnel, as specified in the corresponding funding tables in section 4301 and 4401, respectively, are hereby increased by a total of \$36,513,000, to be distributed as follows:
    - (A) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air National Guard, is hereby increased by \$10,686,000.
    - (B) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air Force, is hereby increased by \$1,040,000.
    - (C) The amount authorized to be appropriated in section 4401 for military personnel, Air National Guard, is hereby increased by \$21,993,000.
    - (D) The amount authorized to be appropriated in section 4401 for military personnel (MERHC), Air National Guard, is hereby increased by \$2,794,000.
  - (2) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for Research, Development, Test, and Evaluation, as specified in the corresponding funding table in section 4201, is hereby reduced by \$36,513,000, to be derived from the Ballistic Missile Defense Midcourse Defense Segment.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 \_\_\_\_ . ELIMINATION OF MAXIMUM AGE LIMITATION FOR ORIGINAL ENLISTMENTS IN THE ARMED FORCES FOR INDIVIDUALS WHO ARE OTHERWISE QUALIFIED FOR ENLISTMENT.**

Section 505(a) of title 10, United States Code, is amended by striking “nor more than forty-two years of age”.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 \_\_\_\_ . PROHIBITION ON USE OF MENTAL HEALTH RECORDS, ADDICTION SERVICE RECORDS, COUNSELING RECORDS, OR OTHER DOCUMENTS REGARDING SEEKING ASSISTANCE WITH MENTAL HEALTH ISSUES WHEN MAKING DETERMINATIONS ABOUT PROMOTIONS.**

(a) **PROHIBITION.**—Except as provided in subsection (b), when making determinations about promotions or separations, a promotion board may not request, review, or consider—

(1) the mental health records, addiction service records, counseling records, or any other documents concerning the pursuit of assistance with mental health issues, ongoing or past, of a member of the Armed Forces; or

(2) information contained in any of these records or documents whether provided by word of mouth or in writing from commanding officers, noncommissioned officers, or any other individual.

(b) **LIMITED EXCEPTION.**—The Secretary of Defense shall establish a process by which a member of the Armed Forces can be excluded from the prohibition and the records and information described in subsection (a) considered, if—

(1) the member is being considered for a discharge from the Armed Forces based on a severe or untreatable mental health disorder;

(2) a physician determines that the member could be a danger to himself or herself or other persons as a result of a mental health issue that is unresolved or untreated before the board meets;

(3) a physician determines that the member will be unable to complete the duties and responsibilities associated with the advancement in rank being considered by a promotion board as a result of a mental health issue that is unresolved or untreated before the board meets; or

(4) the member consents to consideration of the records or information, such as to explain negative actions considered by a promotion board connected with a mental health issue that has been treated.

(c) **NOTIFICATION.**—The Secretary of Defense shall ensure that notification of the prohibition imposed by subsection (a), and the limited exception provided by subsection (b), is made available to members of the Armed Forces not later than 90 days after the date of the enactment of this Act.

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**21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PINGREE OF MAINE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL TRAUMA.**

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

(1) The Department of Defense conducted a survey of members of the Armed Forces serving on active duty that revealed that only 13.5 percent of such members reported incidents of sexual assault, which means that more than 19,000 incidents of sexual assault of members of the Armed Forces actually occurred in 2010 alone.

(2) Despite attempts, the Department of Defense has failed to address the chronic under reporting of incidents of sexual assault and harassment, as by the Department's own estimates, 86 percent of sexual assaults went unreported in 2010.

(3) Sexual assault in the military is an ongoing problem leading many victims to seek help after separation from the Armed Forces from the Department of Veterans Affairs.

(4) About 1 in 5 women and 1 in 100 men seen in Veterans Health Administration respond "Yes" when screened for military sexual trauma.

(5) Among users of healthcare provided by the Department of Veterans Affairs, medical record data indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.

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

(1) the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims; and

(2) in light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STIVERS OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

**SEC. 596. ESTABLISHMENT OF PLACE OF REMEMBRANCE AT ARLINGTON NATIONAL CEMETERY.**

(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Army may establish at an appropriate location in Arlington National Cemetery a Place of Remembrance for the interment of cremated fragments of the remains of members of the Armed Forces who died in the conflicts specified in subsection (c) when one of the conditions specified in subsection (d) applies with respect to the remains.

(b) REGULATIONS; DESIGN.—The Secretary of the Army shall—

(1) prescribe such regulations as may be necessary to carry out this section; and

(2) determine how the Place of Remembrance shall be designed.

(c) COVERED CONFLICTS.—The Secretary of the Army shall suggest that the Place of Remembrance be for the cremated fragments

of remains for all wars and contingency operations prior to and after the date of the enactment of this Act.

(d) REMAINS AUTHORIZED FOR INTERMENT.—Subsection (a) applies to fragments of the remains of a deceased member of the Armed Forces described in such subsection (or fragments reasonable believed to be from the remains of a deceased member of the Armed Forces described in such subsection) that—

(1) are unidentifiable by use of DNA testing or other means because of the condition of the fragments;

(2) are unclaimed after a reasonable period of time;

(3) are identified and authorized for interment in the Place of Remembrance by the person designated under section 1482(c) of title 10, United States Code, to direct disposition of the remains of the member; or

(4) are designated as “No Further Pursuit” remains in cases in which the family of a deceased member has indicated to the Secretary of Army that the family does not want to be consulted when fragments of the remains of the member are found.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

**SEC. 5 . . . SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.**

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

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed “Operation Highjump” initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad - to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

- (E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.
- (3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner "Flying Boat" "George 1" entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier's ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell "Bud" Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the "George 1's" seaplane tender U.S.S. Pine Island.
- (4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.
- (5) Rescue requirements of the "George-1" survivors forced the abandonment of their crewmates' bodies.
- (6) Conditions prior to the departure of Task Force 68 precluded a return to the area to recover the bodies.
- (7) For nearly 60 years Navy promised the families that they would recover the men: "If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home."
- (8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.
- (9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.
- (10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.
- (11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only "medium risk".
- (12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.
- (13) The crash site is classified as a "perishable site", meaning a glacier that will calve into the Bellingshausen Sea.
- (14) The National Science Foundation maintains a presence in area - of the Pine Island Glacier.
- (15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.
- (16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.
- (17) On Memorial Day, May 25, 2009, President Barak Obama declared: ". . .the support of our veterans is a sacred trust. . .we need to serve them as they have served us. . .that means bringing home all our POWs and MIAs. . .".

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist's Mate 1ST Class, Wendell Hendersin, Aviation Radioman 1ST Class of the "George 1" explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the "George 1" crew from Antarctica's Thurston Island.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

**SEC. 5 \_\_\_\_ . ESTABLISHMENT OF CHAIN OF COMMAND FOR ARMY NATIONAL MILITARY CEMETERIES.**

(a) MILITARY CHAIN OF COMMAND REQUIRED.—The Secretary of the Army shall establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

(b) CONFORMING AMENDMENT.—Section 4724(a)(1) of title 10, United States Code, is amended by striking "who shall meet" and inserting "who is a commissioned officer and meets".

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETRI OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 6 . . . 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) **PAYMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.**—No cash payment may be made under subsection (a) unless the funds to be used to make the payments are available pursuant to an appropriations Act enacted after the date of enactment of this Act.

(f) **FUNDING OFFSET.**—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reserva-

tion Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

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

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title VI, add the following new section:

**SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE ARMED FORCES, SURVIVING SPOUSES, AND CERTAIN VETERANS.**

(a) MORTGAGE PROTECTION.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended to read as follows:

**“SEC. 303. MORTGAGES AND TRUST DEEDS.**

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property that is secured by a mortgage, trust deed, or other security in the nature of a mortgage and is owned by a covered individual as follows:

“(1) With respect to an obligation on real or personal property owned by a servicemember, such obligation that originated before the period of the servicemember’s military service and for which the servicemember is still obligated.

“(2) With respect to an obligation on real property owned by a servicemember serving in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), such obligation that originated at any time and for which the servicemember is still obligated.

“(3) With respect to an obligation on real property owned by a veteran described in subsection (f)(1)(B), such obligation that originated at any time and for which the veteran is still obligated.

“(4) With respect to an obligation on real property owned by a surviving spouse described in subsection (f)(1)(C), such obligation that originated at any time and for which the spouse is still obligated.

“(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—(1) In an action filed during a covered time period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual when the individual’s ability to comply with the obligation is materially affected by military service—

“(A) stay the proceedings for a period of time as justice and equity require, or

“(B) adjust the obligation to preserve the interests of all parties.

“(2) For purposes of applying paragraph (1) to a covered individual who is a surviving spouse of a servicemember described in

subsection (f)(1)(C), the term ‘military service’ means the service of such servicemember.

“(c) SALE OR FORECLOSURE.— A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered time period except—

“(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

“(2) if made pursuant to an agreement as provided in section 107.

“(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(e) PROOF OF SERVICE.—(1) A veteran described in subsection (f)(1)(B) shall provide documentation described in paragraph (2) to relevant persons to prove the eligibility of the veteran to be covered under this section.

“(2) Documentation described in this paragraph is a rating decision or a letter from the Department of Veterans Affairs that confirms that the veteran is totally disabled because of one or more service-connected injuries or service-connected disability conditions.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means the following individuals:

“(A) A servicemember.

“(B) A veteran who was retired under chapter 61 of title 10, United States Code, and whom the Secretary of Veterans Affairs, at the time of such retirement, determines is a totally disabled veteran.

“(C) A surviving spouse of a servicemember who—

“(i) died while serving in support of a contingency operation if such spouse is the successor in interest to property covered under subsection (a); or

“(ii) died while in military service and whose death is service-connected if such spouse is the successor in interest to property covered under subsection (a).

“(2) The term ‘covered time period’ means the following time periods:

“(A) With respect to a servicemember, during the period beginning on the date on which such servicemember begins military service and ending on the date that is 12 months after the date on which such servicemember is discharged from such service.

“(B) With respect to a servicemember serving in support of a contingency operation, during the period beginning on the date of the military orders for such service and ending on the date that is 12 months after the date on which such servicemember redeploys from such contingency operation.

“(C) With respect to a veteran described in subsection (f)(1)(B), during the 12-month period beginning on the date of the retirement of such veteran described in such subsection.

“(D) With respect to a surviving spouse of a servicemember described in subsection (f)(1)(C), during the 12-month

period beginning on the date of the death of the servicemember.”.

(2) CONFORMING AMENDMENT.—Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended by adding at the end the following:

“(e) OTHER INDIVIDUALS.—For purposes of this section, the term ‘servicemember’ includes any covered individual under section 303(f)(1).”.

(3) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.”.

(b) INCREASED CIVIL PENALTIES FOR MORTGAGE VIOLATIONS.—Paragraph (3) of section 801(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended to read as follows:

“(3) to vindicate the public interest, assess a civil penalty—

“(A) with respect to a violation of section 303 regarding real property—

“(i) in an amount not exceeding \$110,000 for a first violation; and

“(ii) in an amount not exceeding \$220,000 for any subsequent violation; and

“(B) with respect to any other violation of this Act—

“(i) in an amount not exceeding \$55,000 for a first violation; and

“(ii) in an amount not exceeding \$110,000 for any subsequent violation.”.

(c) CREDIT DISCRIMINATION.—Section 108 of such Act (50 U.S.C. App. 518) is amended—

(1) by striking “Application by” and inserting “(a) Application by”; and

(2) by adding at the end the following new subsection:

“(b) In addition to the protections under subsection (a), an individual who is eligible, or who may likely become eligible, for any provision of this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such eligibility.”.

(d) REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) LENDING INSTITUTION REQUIREMENTS.—

“(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a compliance officer who is responsible for ensuring the institution’s compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

“(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section

that had annual assets for the preceding fiscal year of \$10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.”.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISRAEL OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title VII, add the following new section:

**SEC. 725. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.**

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers through community partners.

(b) COMMUNITY PARTNERS.—The Secretary of Defense may award grants to community partners described in subsection (c) using a competitive and merit-based award process whereby the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources, an amount equal to not less than \$3 for each \$1 of funds provided under the grant.

(c) COMMUNITY PARTNER DESCRIBED.—A community partner described in this subsection is a private non-profit organization or institution that engages in one or more of the following:

(1) Research on the causes, development, and innovative treatment of mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) Providing treatment to such members and their families for such mental health and substance use disorders and traumatic brain injury.

(3) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(4) Outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(d) DURATION.—The duration of the pilot program may not exceed three years.

(e) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs and Congress a report on the results of the pilot program, including the amount of grants so awarded and activities carried out, the number of members of the National Guard and Reserves provided treatment or services by community partners, and a description and assessment of the effectiveness and achievements of the pilot program with respect to research, treat-

ment, education, and outreach on mental health and substance use disorders and traumatic brain injury.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POSEY OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title IX, add the following new section:

**SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.**

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2276. Commercial space launch cooperation**

“(a) AUTHORITY.—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

“(1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;

“(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

“(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

“(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

“(5) foster cooperation between the Department of Defense and covered entities.

“(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

“(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interest of the Federal Government;

“(ii) does not interfere with the requirements of the Department of Defense; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

“(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

“(c) CONTRIBUTIONS.—

“(1) IN GENERAL.—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and vol-

untary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—An agreement entered into with a covered entity under this subsection—

“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

“(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

“(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) LAUNCH SUPPORT FACILITIES.—The term ‘launch support facilities’ has the meaning given the term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given the term in section 50501(11) of title 51.

“(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2276. Commercial space launch cooperation.”.

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title X, add the following new section:

**SEC. 1023. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Subsection (a) of section 7310 of title 10, United States Code, is amended—

(1) by striking “the United States or Guam” each place it appears and inserting “the United States, Guam, or the Commonwealth of the Northern Mariana Islands”; and

(2) in the heading for such subsection, by striking “UNITED STATES OR GUAM” and inserting “UNITED STATES, GUAM, OR COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS”.

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title X, strike section 1064 and insert the following:

**SEC. 1064. FINDINGS ON DEPLOYMENT OF TACTICAL NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.**

Congress finds the following:

(1) The United States and allied forces are currently capable of responding to aggression by the Democratic People’s Republic of Korea (“North Korea”).

(2) The deployment of tactical nuclear weapons to the Republic of Korea (“South Korea”) would destabilize the areas of responsibility of the United States Pacific Command and United States Forces Korea.

(3) Such deployment would not be in the national security interests of the United States.

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31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1065A. REPORT ON PLANNED REDUCTIONS OF NUCLEAR WEAPONS OF THE UNITED STATES.**

Not later than January 15, 2013, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on whether—

(1) the planned reductions to the number of nuclear weapons of the United States pursuant to the levels set forth under the New START Treaty are in the national security interests of the United States; and

(2) such reductions should continue.

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32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1066. PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS OF THE UNITED STATES.**

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following:

**“§ 498. Prohibition on unilateral reduction of nuclear weapons**

“The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is less than the level described in the New START Treaty (as defined in section 130f(c) of this title) unless such action is—

“(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

“(2) specifically authorized by an Act of Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“498. Prohibition on unilateral reduction of nuclear weapons.”.

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33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1069. REPORT ON COMMUNICATIONS FROM CONGRESS ON STATUS OF MILITARY CONSTRUCTION PROJECTS .**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report describing any letters from Congress (including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member) received by the Department of Defense that refers to or requests information on the status of a military construction project on the future-years defense program.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than one year after the date of the enactment of this Act.

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34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title X, at the end of subtitle F, add the following:

**SEC. \_\_\_\_ . NAVY REPORT ON INCORPORATION OF NEWLY AVAILABLE SCIENCE FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION INTO IMPROVEMENT OF MITIGATION FOR PROTECTED SPECIES.**

(a) **REPORT.**—Within 120 days after the date of enactment of this Act, the Secretary of the Navy shall report to Congress on how the Department of the Navy will utilize the product of the National Oceanic and Atmospheric Administration Cetacean Density and Distribution Mapping Working Group in developing new siting and wildlife mitigation protocols for Navy training and testing activities.

(b) **CONTENTS.**—The report shall include information on—

- (1) species that the Department of the Navy will prioritize for improvement of mitigation;
- (2) the methods and procedures that the Navy will use in determining areas to be avoided, including the methods it will use to determine military readiness needs specific to such areas; and
- (3) the range of additional mitigation measures that will be considered for such areas.

**35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle G of title X of division A, add the following:

**SEC. 10 \_\_\_\_ . AUTHORITY FOR CORPS OF ENGINEERS TO CONSTRUCT PROJECTS CRITICAL TO NAVIGATION SAFETY.**

The Secretary of the Army, acting through the Chief of Engineers, may accept non-Federal funds and use such funds to construct a navigation project that has not been specifically authorized by law if—

- (1) the Secretary has received a completed Chief of Engineers' report for the project;
- (2) the project is fully funded by non-Federal sources using non-Federal funds; and
- (3) the Secretary finds that the improvements to be made by the project are critical to navigation safety.

**36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIMM OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 1084. INCREASE IN AUTHORIZED NUMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) **IN GENERAL.**—Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

- (1) in paragraph (1), by striking “23” and inserting “a minimum of 25”; and
- (2) by striking “55 teams” each place it appears and inserting “57 teams”.

(b) **FUNDING.**—

- (1) **INCREASE.**—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance,

Army, as specified in the corresponding funding table in section 4301, for Line 070, Force Readiness Operations Support is hereby increased by \$5,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, to be derived from Line 036, Program Element 0603384BP, Chemical and Biological Defense Program.

37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1084. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.**

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the “Basin”), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIGELL OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. \_\_\_\_ . CONDITIONAL REPLACEMENT FOR FY 2013 SEQUESTER.**

(a) CONTINGENT EFFECTIVE DATE.—This section and the amendments made by it shall take effect upon the enactment of—

(1) the Act contemplated in section 201 of H. Con. Res. 112 (112th Congress) that achieves at least the deficit reduction called for in such section for such periods; or

(2) similar legislation that at least offsets the outlay reductions flowing from the budget authority reductions mandated by section 251A(7)(A) and 251A(8) as it applies to direct spending in the defense function for fiscal year 2013 of the Balanced Budget and Emergency Deficit Control Act of 1985, as in force immediately before the date of enactment of this Act, combined with the outlay reductions flowing from the amendment to section 251A(7)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 made by subsection (c), within five years of enactment.

(b) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(2) with respect to fiscal year 2013, for the discretionary category, \$1,047,000,000,000 in new budget authority;”

(c) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(A) FISCAL YEAR 2013.—

“(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by \$19,104,000,000 in budget authority.

“(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i), and the President shall order a sequestration, if any, as required by such report.”

(d) ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.—Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

## (e) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, as required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), as in effect immediately before the date of enactment of this Act.

(2) CONTENTS OF REPORT.—The report required by this section shall include—

(A) an assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, full spectrum training miles, and all other readiness metrics;

(B) an assessment of the impact on ability of the Department of Defense to carry out the National Military Strategy of the United States and any changes to the most recent Chairman’s Risk Assessment required by section 153 of title 10, United States Code;

(C) a listing of the programs, projects, and activities across the military departments and components that would be reduced or terminated as a result of automatically triggered cuts;

(D) an estimate of the number and value of all contracts that will be terminated, restructured, or rescoped due to sequestration, including an estimate of potential termination costs and increased contracts costs due to renegotiation and reinstatement of the contract; and

(E) an estimate of the number of civilian, contract, and uniformed personnel whose employment would be terminated due to sequestration, including the estimated cost to the Department of executing such a drawdown.

39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GINGREY OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title X of division A, add the following new section:

**SEC. 10 \_\_\_\_ . SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.**

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C. metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia’s onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*.

(8) On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States and therefore should be exempt from the District of Columbia's restrictions on the possession of firearms.

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40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 1084. THE HOUSE OF REPRESENTATIVES HONORS.**

(a) FINDINGS.—The House of Representatives finds the following:

(1) The spread of warfare across Europe and Asia led to the establishment on May 20, 1941, of the United States Office of

Civilian Defense by Executive Order 8757 of President Franklin D. Roosevelt, to “assure effective coordination of Federal relations with State and local governments engaged in defense activities, to provide for necessary cooperation with States and local governments in respect to measures for adequate protection of the civilian population in emergency periods, to facilitate constructive civilian participation in the defense program, and to sustain national morale”.

(2) The December 7, 1941, attack by the Empire of Japan on Pearl Harbor, Hawaii, precipitated the entry of the United States into the worldwide conflict and signaled a new era of warfare that demanded new efforts to protect the people of the United States from airborne assault by an overseas enemy.

(3) In response to this new threat, the United States Office of Civilian Defense mobilized millions of volunteers to participate in efforts to enhance the preparedness of the United States in case of attack, including fire protection, communication and logistics, construction of bomb shelters, and air raid blackout drills.

(4) Thousands of Americans unable to serve in the United States Armed Forces volunteered their service as Air Raid Wardens in communities across the United States during World War II, contributing to America’s defense against potential enemy assault and the ultimate victory of the Allied nation.

(5) A training manual distributed to Air Raid Wardens during World War II noted that “In the system of civilian defense, the Air Raid Warden occupies the key position. He is the field officer under whose supervision the efforts of the civilian population are directed in the tremendous task of effective defense. Through the Air Raid Wardens, civilian activity is coordinated with that of the police and fire departments and other vital services.”

(6) Training manuals distributed to Air Raid Wardens included “I am an Air Raid Warden”, by Frank W. Atherton, Chief Air Raid Warden, 1st District, United States Citizens’ Defense Corps of Michigan, which read, in part that “I am an Air Raid Warden. My country, my state and my community have given me many pleasant and fruitful years and now in time of trouble I feel that it is my duty to do my part in the work assigned to me in helping to reduce to a minimum any harm that may come from without or within.”

(7) Tony Pastor and His Orchestra released a song in 1942, titled “Obey Your Air Raid Warden”, which was widely distributed as a public service announcement and contained the following lyrics: “One, be calm. Two, get under shelter. Three, don’t run. Obey your air-raid warden. Four, stay home. Five, keep off the highway. Six, don’t phone. Obey your air-raid warden. There are rules that you should know, What to do and where to go, When you hear the sirens blow, Stop, look, and listen. Seven, don’t smoke. Eight, help all the kiddies. Most of all, obey your air-raid warden. Stop, look, and listen. Dim the lights, Wait for information, Most of all, obey your air-raid warden. Stop the panic, Don’t get in a huff, Our aim today is

to call their bluff. Follow these rules and that is enough. Obey your air-raid warden.”

(b) THE HOUSE OF REPRESENTATIVES HONORS.—The House of Representatives encourages surviving Air Raid Wardens and other volunteers of the United States Office of Civilian Defense during the World War II to record and permanently preserve stories of their service for future generations.

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41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MACK OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10 . SUNKEN MILITARY CRAFT.**

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting “, that was” before “on military noncommercial service”; and

(2) in subparagraph (B), by inserting a comma before “that was owned or operated”.

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42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 1084. REDUCTION OF AUTHORIZATION OF APPROPRIATIONS.**

(a) REDUCTION.—Notwithstanding any other provision of this Act, but subject to subsection (b), the President, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator for Nuclear Security, shall make such reductions in the amounts authorized to be appropriated under this Act in such manner as the President considers appropriate to achieve an aggregate reduction of \$8,231,100,000.

(b) EXCLUSIONS.—In carrying out subsection (a), the President shall not reduce the amount of funds for the following accounts:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

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43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.**

None of the funds authorized to be appropriated by this Act may be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that

the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.

44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRANGER OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. SALE OF F-16 AIRCRAFT TO TAIWAN.**

The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOHMERT OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 366, line 16, strike “**HABEAS CORPUS RIGHTS**” and insert “**RIGHTS UNAFFECTED**”.

Page 366, line 17, strike “Nothing” and insert “(a) RULE OF CONSTRUCTION.—Nothing”.

Page 366, line 21, insert “or to deny any Constitutional rights” after “habeas corpus”.

Page 366, line 23, strike “person who is detained in the United States” and insert “person who is lawfully in the United States when detained”.

Page 366, line 25, insert “and who is otherwise entitled to the availability of such writ or such rights” before the period.

Page 366, line 25, insert the following:

(b) NOTIFICATION OF DETENTION OF PERSONS UNDER AUTHORIZATION FOR USE OF MILITARY FORCE.—Not later than 48 hours after the date on which a person who is lawfully in the United States is detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), the President shall notify Congress of the detention of such person.

(c) HABEAS APPLICATIONS.—A person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) shall be allowed to file an application for habeas corpus relief in an appropriate district court not later than 30 days after the date on which such person is placed in military custody.

46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title X, add the following new section:

**SEC. 1044. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) SHORT TITLE.—This section may be cited as the “Due Process and Military Detention Amendments Act”.

(b) DISPOSITION.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 is amended—

(1) in subsection (c), by striking “The disposition” and inserting “Except as provided in subsection (g), the disposition”; and

(2) by adding at the end the following new subsections:

“(g) DISPOSITION OF PERSONS DETAINED IN THE UNITED STATES.—

“(1) PERSONS DETAINED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE OR THE FISCAL YEAR 2012 OR 2013 NATIONAL DEFENSE AUTHORIZATION ACTS.—In the case of a covered person who is detained in the United States, or a territory or possession of the United States, pursuant to the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the Federal Government and shall only mean the immediate transfer of the person for trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court. Such trial and proceedings shall have all the due process as provided for under the Constitution of the United States.

“(2) PROHIBITION ON TRANSFER TO MILITARY CUSTODY.—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.

“(h) RULE OF CONSTRUCTION.—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.”

(c) REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.—

(1) REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 is hereby repealed.

(2) CONFORMING AMENDMENT.—Section 1029(b) of such Act is amended by striking “applies to” and all that follows through “any other person” and inserting “applies to any person”.

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47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUNCAN OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON FUNDS FOR INSTITUTIONS OR ORGANIZATIONS ESTABLISHED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.**

None of the funds authorized to be appropriated by this Act may be made available for any institution or organization established by the United Nations Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

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48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII, add the following new section:

**SEC. 12. REMOVAL OF BRIGADE COMBAT TEAMS FROM EUROPE.**

(a) **FINDING.**—Congress finds that, because defense spending among European NATO countries fell 12% since 2008, from \$314 billion to \$275 billion, so that currently only 4 out of the 28 NATO allies of the United States are spending the widely agreed-to standard of 2% of their GDP on defense, the United States must look to more wisely allocate scarce resources to provide for the national defense.

(b) **REMOVAL AUTHORIZED.**—The President is authorized and requested to end the permanent basing of units of the United States Armed Forces in European member nations of the North Atlantic Treaty Organization and return the four Brigade Combat Teams currently stationed in Europe to the United States.

(c) **USE OF ROTATIONAL FORCES TO SATISFY SECURITY NEEDS.**—It is the policy of the United States that the deployment of units of the United States Armed Forces on a rotational basis at military installations in European member nations of the North Atlantic Treaty Organization pursuant to the Army Force Generation (ARFORGEN) process is a force-structure arrangement sufficient to permit the United States—

- (1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);
- (2) to address the current security environment in Europe; and
- (3) to contribute to peace and stability in Europe.

**49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the appropriate place in title XII of division A of the bill, add the following:

**Subtitle —Prevent Iran From Acquiring Nuclear Weapons and Stop War Through Diplomacy Act**

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the “Prevent Iran from Acquiring Nuclear Weapons and Stop War Through Diplomacy Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:

- (1) In his Nobel Peace Prize acceptance speech on December 10, 2009, President Obama said, “I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach—and condemnation without discussion—can carry forward a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.”
- (2) In his address to the American Israel Public Affairs Committee on March 4, 2012, President Obama said, “I have said that when it comes to preventing Iran from obtaining a nuclear

weapon, I will take no options off the table, and I mean what I say. That includes all elements of American power. A political effort aimed at isolating Iran; a diplomatic effort to sustain our coalition and ensure that the Iranian program is monitored; an economic effort to impose crippling sanctions; and, yes, a military effort to be prepared for any contingency.”

(3) While the Obama Administration has rejected failed policies of the past by engaging in negotiations with Iran without preconditions, only four of such meetings have occurred.

(4) Official representatives of the United States and official representatives of Iran have held only two direct, bilateral meetings in over 30 years, both of which occurred in October 2009, one on the sidelines of the United Nations Security Council negotiations in Geneva, and one on the sidelines of negotiations brokered by the United Nations International Atomic Energy Agency (referred to in this Act as the “IAEA”) in Vienna.

(5) All of the outstanding issues between the United States and Iran cannot be resolved instantaneously. Resolving such issues will require a robust, sustained effort.

(6) Under the Department of State’s current “no contact” policy, officers and employees of the Department of State are not permitted to make any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(7) On September 20, 2011, then-Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, called for establishing direct communications with Iran, stating, “I’m talking about any channel that’s open. We’ve not had a direct link of communication with Iran since 1979. And I think that has planted many seeds for miscalculation. When you miscalculate, you can escalate and misunderstand.”

(8) On November 8, 2011, the IAEA issued a report about Iran’s nuclear program and expressed concerns about Iran’s past and ongoing nuclear activities.

(9) On December 2, 2011, Secretary of Defense Leon Panetta warned that an attack on Iran would result in “an escalation that would take place that would not only involve many lives, but I think it could consume the Middle East in a confrontation and a conflict that we would regret.”

### **SEC. 3. STATEMENT OF POLICY.**

It should be the policy of the United States—

(1) to prevent Iran from pursuing or acquiring a nuclear weapon and to resolve the concerns of the United States and of the international community about Iran’s nuclear program and Iran’s human rights obligations under international and Iranian law;

(2) to ensure inspection of cargo to or from Iran, as well as the seizure and disposal of prohibited items, as authorized by United Nations Security Council Resolution 1929 (June 9, 2010);

(3) to pursue sustained, direct, bilateral negotiations with the Government of Iran without preconditions in order to reduce tensions, prevent war, prevent nuclear proliferation, sup-

port human rights, and seek resolutions to issues that concern the United States and the international community;

(4) to utilize all diplomatic tools, including direct talks, targeted sanctions, Track II diplomacy, creating a special envoy described in section 4, and enlisting the support of all interested parties, for the purpose of establishing an agreement with Iran to put in place a program that includes international safeguards, guarantees, and robust transparency measures that provide for full IAEA oversight of Iran's nuclear program, including rigorous, ongoing inspections, in order to verify that Iran's nuclear program is exclusively for peaceful purposes and that Iran is not engaged in nuclear weapons work;

(5) to pursue opportunities to build mutual trust and to foster sustained negotiations in good faith with Iran, including pursuing a fuel swap deal to remove quantities of low enriched uranium from Iran and to refuel the Tehran Research Reactor, similar to the structure of the deal that the IAEA, the United States, China, Russia, France, the United Kingdom, and Germany first proposed in October 2009;

(6) to explore areas of mutual benefit to both Iran and the United States, such as regional security, the long-term stabilization of Iraq and Afghanistan, the establishment of a framework for peaceful nuclear energy production, other peaceful energy modernization programs, and counter-narcotics efforts; and

(7) that no funds appropriated or otherwise made available to any executive agency of the Government of the United States may be used to carry out any military operation or activity against Iran unless the President determines that a military operation or activity is warranted and seeks express prior authorization by Congress, as required under article I, section 8, clause 2 of the United States Constitution, which grants Congress the sole authority to declare war, except that this requirement shall not apply to a military operation or activity—

(A) to directly repel an offensive military action launched from within the territory of Iran against the United States or any ally with whom the United States has a mutual defense assistance agreement;

(B) in hot pursuit of forces that engage in an offensive military action outside the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement and then enter into the territory of Iran; or

(C) to directly thwart an imminent offensive military action to be launched from within the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement.

**SEC. 4. APPOINTMENT OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.**

(a) APPOINTMENT.—At the earliest possible date, the President, in consultation with the Secretary of State, shall appoint a high-level United States representative or special envoy for Iran.

(b) CRITERIA FOR APPOINTMENT.—The President shall appoint an individual under subsection (a) on the basis of the individual's knowledge and understanding of the issues regarding Iran's nu-

clear program, experience in conducting international negotiations, and ability to conduct negotiations under subsection (c) with the respect and trust of the parties involved in the negotiations.

(c) DUTIES.—The high-level United States representative or special envoy for Iran shall—

(1) seek to facilitate direct, unconditional, bilateral negotiations with Iran for the purpose of easing tensions and normalizing relations between the United States and Iran;

(2) lead the diplomatic efforts of the Government of the United States with regard to Iran;

(3) consult with other countries and international organizations, including countries in the region, where appropriate and when necessary to achieve the purpose set forth in paragraph (1);

(4) act as liaison with United States and international intelligence agencies where appropriate and when necessary to achieve the purpose set for in paragraph (1); and

(5) ensure that the bilateral negotiations under paragraph (1) complement the ongoing international negotiations with Iran.

**SEC. 5. DUTIES OF THE SECRETARY OF STATE.**

(a) ELIMINATION OF “NO CONTACT” POLICY.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall rescind the “no contact” policy that prevents officers and employees of the Department of State from making any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(b) OFFICE OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.—Not later than 30 days after the appointment of a high-level United States representative or special envoy under section 4(a), the Secretary of State shall establish an office in the Department of State for the purpose of supporting the work of the representative or special envoy.

**SEC. 6. REPORTING TO CONGRESS.**

(a) REPORTS.—Not later than 60 days after the high-level United States representative or special envoy for Iran is appointed under section 4, and every 180 days thereafter, the United States representative or special envoy shall report to the committees set forth in subsection (b) on the steps that have been taken to facilitate direct, bilateral diplomacy with the government of Iran under section 4(c). Each such report may, when necessary or appropriate, be submitted in classified and unclassified form.

(b) COMMITTEES.—The committees referred to in subsection (a) are—

(1) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 2013.

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**50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMBORN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title XIII, add the following new section:

**SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for cooperative threat reduction activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

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**51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNAHAN OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of division A of the bill, add the following:

## **TITLE XVII—CONTINGENCY OPERATIONS OVERSIGHT AND INTER-AGENCY ENHANCEMENT ACT OF 2012**

### **SEC. 1701. SHORT TITLE.**

This title may be cited as the “Contingency Operations Oversight and Interagency Enhancement Act of 2012”.

### **SEC. 1702. DEFINITIONS.**

In this title, the following definitions apply:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Office for Contingency Operations.

(3) **FUNCTIONS.**—The term “functions” includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) **IMMINENT STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “imminent stabilization and reconstruction operation” is a condition in a foreign country which the Director believes may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is necessary.

(5) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) **OFFICE.**—The term “Office” means the United States Office for Contingency Operations.

(7) **PERSONNEL.**—The term “personnel” means officers and employees of an Executive agency, except that the term does not include members of the Armed Forces.

(8) **POTENTIAL STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “potential stabilization and reconstruction operation” is a possible condition in a foreign country which in the determination of the Director may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is advisable.

(9) **STABILIZATION AND RECONSTRUCTION EMERGENCY.**—The term “stabilization and reconstruction emergency” is a stabilization and reconstruction operation which is the subject of a Presidential declaration pursuant to section 1713.

(10) **STABILIZATION AND RECONSTRUCTION OPERATION.**—The term “stabilization and reconstruction operation”—

(A) means a circumstance in which a combination of security, reconstruction, relief, and development services, including assistance for the development of military and security forces and the provision of infrastructure and essen-

tial services (including services that might be provided under the authority of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund)), should, in the national interest of the United States, be provided on the territory of an unstable foreign country;

(B) does not include a circumstance in which such services should be provided primarily due to a natural disaster (other than a natural disaster of cataclysmic proportions); and

(C) does not include intelligence activities.

(11) UNITED STATES.—The term “United States”, when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

**SEC. 1703. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Responsibilities for overseas stability and reconstruction operations are divided among several agencies. As a result, lines of responsibility and accountability are not well-defined.

(2) Despite the establishment of the Office of the Coordinator for Reconstruction and Stabilization within the Department of State, the reaffirmation of the Coordinator’s mandate by the National Security Presidential Directive 44, its codification with title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and the issuance of the Department of Defense Directive 3000.05, serious imbalances and insufficient interagency coordination remain.

(3) The United States Government has not effectively or efficiently managed stabilization and reconstruction operations during recent decades.

(4) Based on trends, the United States will likely continue to find its involvement necessary in stabilization and reconstruction operations in foreign countries in the wake of violence or cataclysmic disaster.

(5) The United States has not adequately learned the lessons of its recent experiences in stabilization and reconstruction operations, and despite efforts to improve its performance is not yet organized institutionally to respond appropriately to the need to perform stabilization and reconstruction operations in foreign countries.

(6) The failure to learn the lessons of past stabilization and reconstruction operations will lead to further inefficiencies, resulting in greater human and financial costs.

(b) PURPOSES.—The purposes of this title are to—

(1) advance the national interest of the United States by providing an effective means to plan for and execute stabilization and reconstruction operations in foreign countries;

(2) provide for unity of command, and thus achieve unity of effort, in the planning and execution of stabilization and reconstruction operations;

(3) provide accountability for resources dedicated to stabilization and reconstruction operations;

(4) maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of stabilization and reconstruction operations; and

(5) establish an entity to plan for stabilization and reconstruction operations and, when directed by the President, coordinate and execute such operations, eventually returning responsibility for such operations to other agencies of the United States Government as the situation becomes normalized.

**SEC. 1704. CONSTRUCTION; SEVERABILITY.**

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this title and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

**SEC. 1705. EFFECTIVE DATE.**

This Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

## **Subtitle A—United States Office for Contingency Operations: Establishment, Functions, and Personnel**

**SEC. 1711. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.**

There is established as an independent entity the United States Office for Contingency Operations, which shall report to the Department of State and the Department of Defense.

**SEC. 1712. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE OFFICE.**

(a) **FUNCTIONS TRANSFERRED.**—Not later than 90 days after the date of the enactment of this Act, there shall be transferred to the Office the functions, personnel, assets, and liabilities of the Bureau of Conflict and Stabilization Operations, including the Office of the Coordinator for Reconstruction and Stabilization of the Department of State.

(b) **FUNCTIONS TRANSFERRED, IN WHOLE OR IN PART.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, in addition to the functions, personnel, assets, and liabilities transferred under subsection (a), there shall be transferred, in whole or in part, to the Office, under such conditions as the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management jointly prescribe, the functions, personnel, assets, and liabilities of the following:

(A) Civilian organizational entities within the Department of Defense identified by the Secretary of Defense as—

(i) established to implement Department of Defense Instruction 3000.05, relating to stability operations; and

(ii) not essential for combat operations.

(B) The Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(C) The Office of Transition Initiatives of the United States Agency for International Development.

(D) The Office of Foreign Disaster Assistance of the United States Agency for International Development.

(E) The Office of Conflict Mitigation and Management of the United States Agency for International Development.

(F) The International Criminal Investigative Training Assistance Program of the Department of Justice.

(G) The Department of the Treasury's program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries authorized under section 129 of the Foreign Assistance Act of 1961 and the Office of Technical Assistance of the Department of the Treasury that manages such program.

(H) The Contingency Acquisition Corps of the General Services Administration established pursuant to section 2312 of title 41, United States Code.

(2) REPORTS.—

(A) BEFORE THE TRANSFER.—The Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out a transfer in accordance with paragraph (1), submit to the appropriate congressional committees a report on the transfer.

(B) AFTER THE TRANSFER.—The Director shall submit to the appropriate congressional committees a report on the military and non-military resources, capabilities, and functions related to contingency operations of the entities and agencies transferred pursuant to paragraph (1). If any capabilities or functions of such entities and agencies were not so transferred, the Director shall include in such report an explanation relating to such non-transfer.

(c) FUTURE TRANSFERS AND RESTRUCTURING.—

(1) IN GENERAL.—In addition to the functions, personnel, assets, and liabilities transferred to the Office under subsections (a) and (b), the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management may—

(A) transfer to the Office the functions, personnel, assets, or liabilities, in whole or in part, of any office, agency, bureau, program, or other entity that such Directors determine appropriate;

(B) transfer to the Office up to 150 skilled Federal personnel with expertise in contingency operations; and

(C) restructure the Office as such Directors determine appropriate to better carry out its functions and responsibilities.

(2) REPORTS.—If the Director, the Director of the Office of Management and Budget, and the Director of the Office of Per-

sonnel Management undertake a transfer or a restructuring in accordance with subparagraphs (A) and (B), respectively, of paragraph (1), the Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out any such transfer or restructuring, submit to the appropriate congressional committees a report on such transfer or restructuring.

**SEC. 1713. RESPONSIBILITIES OF THE DIRECTOR, DEPUTY DIRECTOR, INSPECTOR GENERAL, AND OTHER OFFICES.**

(a) **DIRECTOR.**—

(1) **IN GENERAL.**—The Office shall be headed by a Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) **SUPERVISION.**—

(A) **IN GENERAL.**—The Director shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense. Such supervision may not be delegated.

(B) **INFORMATION SHARING.**—The Director shall keep the National Security Advisor fully and continually informed of the activities of the Office.

(3) **FUNCTIONS.**—The functions of the Director shall include the following:

(A) Monitoring, in coordination with relevant offices and bureaus of the Department of Defense, the Department of State, and the United States Agency for International Development, political and economic instability worldwide in order to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or in transition from, conflict or civil strife.

(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the military and non-military resources, capabilities, and functions of agencies that are available to address such crises.

(C) Planning to address requirements, such as demobilization, disarmament, capacity building, rebuilding of civil society, policing and security sector reform, and monitoring and strengthening respect for human rights that commonly arise in stabilization and reconstruction crises.

(D) Developing, in coordination with all relevant agencies, contingency plans and procedures to mobilize and deploy civilian and military personnel to conduct stabilization and reconstruction operations.

(E) Coordinating with counterparts in foreign governments and international and nongovernmental organizations on stabilization and reconstruction operations to improve effectiveness and avoid duplication.

(F) Building the operational readiness of the Civilian Response Corps and strengthening personnel requirements to enhance its essential interagency quality.

(G) Aiding the President, as the President may request, in preparing such rules and regulations as the President prescribes, for the planning, coordination, and execution of stabilization and reconstruction operations.

(H) Advising the Secretary of State and the Secretary of Defense, as the Secretary of State or the Secretary of Defense may request, on any matters pertaining to the planning, coordination, and execution of stabilization and reconstruction operations.

(I) Planning and conducting, in cooperation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and commanders of unified combatant commands or specified combatant commands, a series of exercises to test and evaluate doctrine relating to stabilization and reconstruction operations and procedures to be used in such operations.

(J) Executing, administering, and enforcing laws, rules, and regulations relating to the preparation, coordination, and execution of stabilization and reconstruction operations.

(K) Administering such funds as may be appropriated or otherwise made available for the preparation, coordination and execution of stabilization and reconstruction operations.

(L) Planning for the use of contractors who will be involved in stabilization and reconstruction operations, including coordinating with the Secretary of State and the Secretary of Defense to ensure coordination of the work of such contractors with the work of contractors supporting—

(i) the Secretary of State; and

(ii) military operations and members of the Armed Forces.

(M) Prescribing standards and policies for project and financial reporting for all agencies involved in stabilization and reconstruction operations under the direction of the Office to ensure that all activities undertaken by such agencies are appropriately tracked and accounted for.

(N) Establishing an interagency training, preparation, and evaluation framework for all personnel deployed, or who may be deployed, in support of stabilization and reconstruction operations. Such training and preparation shall be developed and administered in partnership with such universities, colleges, or other institutions (whether public, private, or governmental) as the Director may determine and which agree to participate.

(4) RESPONSIBILITIES OF DIRECTOR FOR MONITORING AND EVALUATION REQUIREMENTS.—

(A) EVALUATIONS.—The Director shall plan and conduct evaluations of the impact of stabilization and reconstruction operations carried out by the Office.

(B) REPORTS.—

(i) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter, the Director shall submit to the appropriate congressional committees a report summarizing all stabilization and reconstruction operations that are taking place under the supervision of the Director during the period of each such quarter and, to the extent possible, the period from the end of each such quarter to the time of the submission of each such report. Each such report shall include, for the period covered by each such report, a detailed statement of all obligations, expenditures, and revenues associated with such stabilization and reconstruction operations, including the following:

(I) Obligations and expenditures of appropriated funds.

(II) A project-by-project and program-by-program accounting of the costs incurred to date for the stabilization and reconstruction operation that are taking place, together with the estimate of any department or agency that is undertaking a project in or for the stabilization and reconstruction of such country, as applicable, of the costs to complete each project and each program.

(III) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

(IV) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(V) An analysis on the impact of stabilization and reconstruction operations overseen by the Office, including an analysis of civil-military coordination with respect to the Office.

(ii) FORM.—Each report under this subsection may include a classified annex if the Director determines such is appropriate.

(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law, specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs, or a part of an ongoing criminal investigation.

(b) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be within the Office a Deputy Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) FUNCTIONS.— The Deputy Director shall perform such functions as the Director may from time to time prescribe, and

shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) ASSOCIATE DIRECTORS.—

(1) IN GENERAL.—There shall be within the Office not more than two Associate Directors, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) FUNCTIONS.—The Associate Directors shall perform such functions as the Director may from time to time prescribe.

(3) SENSE OF CONGRESS.—It is the sense of Congress that of the two Associate Directors referred to in this subsection—

(A) one should be highly experienced in defense matters; and

(B) one should be highly experienced in diplomacy and development matters.

(d) FUNCTIONS OF THE PRESIDENT.—

(1) DECLARATION.—The President may, if the President finds that the circumstances and national security interests of the United States so require, declare that a stabilization and reconstruction emergency exists and shall determine the geographic extent and the date of the commencement of such emergency. The President may amend the declaration as circumstances warrant.

(2) TERMINATION.—If the President determines that a stabilization and reconstruction emergency declared under paragraph (1) is or will be no longer be in existence, the President may terminate, immediately or prospectively, a prior declaration that such an emergency exists.

(3) PUBLICATION IN FEDERAL REGISTER.—Declarations under this subsection shall be published in the Federal Register.

(e) AUTHORITIES OF OFFICE FOLLOWING PRESIDENTIAL DECLARATION.—If the President declares a stabilization and reconstruction emergency pursuant to subsection (d), the President may delegate to the Director the authority to coordinate all Federal efforts with respect to such stabilization and reconstruction emergency, including the authority to direct any Federal agency to support such efforts, with or without reimbursement.

**SEC. 1714. PERSONNEL SYSTEM.**

(a) PERSONNEL.—

(1) IN GENERAL.—The Director may select, appoint, and employ such personnel as may be necessary for carrying out the duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (to the same extent and in the same manner as those authorities may be exercised by an organization described in subsection (a) of such section). In exercising the employment authorities under subsection (b) of such section 3161, paragraph (2) of such subsection (relating to periods of appointments) shall not apply.

(2) SUBDIVISIONS OF OFFICE; DELEGATION OF FUNCTIONS.—The Director may establish bureaus, offices, divisions, and other units within the Office. The Director may from time to time make provision for the performance of any function of the Director by any officer or employee, or office, division, or other unit of the Office.

(3) REEMPLOYMENT AUTHORITIES.—The provisions of section 9902(g) of title 5, United States Code, shall apply with respect to the Office. For purposes of the preceding sentence, such provisions shall be applied—

(A) by substituting “the United States Office for Contingency Operations” for “the Department of Defense” each place it appears;

(B) by substituting “the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012” for “the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136)” in paragraph (2)(A) thereof; and

(C) by substituting “the Director of the United States Office for Contingency Operations” for “the Secretary” in paragraph (4) thereof.

(b) INTERIM OFFICERS.—

(1) IN GENERAL.—The President may authorize any persons who, immediately prior to the effective date of this Act, held positions in the Executive Branch of the Government, to act as Director, Deputy Director, Associate Director, and Inspector General of the Office until such positions are for the first time filled in accordance with the provisions of this Act or by recess appointment, as the case may be.

(2) COMPENSATION.—The President may authorize any such person described in paragraph (1) to receive the compensation attached to the Office in respect of which such person so serves, in lieu of other compensation from the United States.

(c) CONTRACTING SERVICES.—

(1) IN GENERAL.—The Director may obtain services of experts and consultants as authorized by section 3109 of title 5, United States Code.

(2) ASSISTANCE.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(d) INCENTIVIZING EXPERTISE IN PERSONNEL TASKED FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—

(1) STUDY.—The Director shall commission a study to measure the effectiveness of personnel in stabilization and reconstruction operations. The study shall seek to identify the most appropriate qualifications for personnel and incentive strategies for agencies to effectively recruit and deploy employees to support stabilization and reconstruction operations.

(2) SENSE OF CONGRESS.—It is the sense of Congress that, in the selection and appointment of any individual for a position both within the Office and other agencies in support of stabilization and reconstruction operations, due consideration

should be given to such individual's expertise in such operations and interagency experience and qualifications.

## **Subtitle B—Preparing and Executing Stability and Reconstruction Operations**

### **SEC. 1721. SOLE CONTROL.**

The Director shall have sole control over the coordination of stabilization and reconstruction operations.

### **SEC. 1722. RELATION TO DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

#### **(a) COORDINATION.—**

(1) **IN GENERAL.**—The Director shall to the greatest degree practicable coordinate with the Secretary of State and the Administrator of the Agency for International Development regarding the Office's plans for stabilization and reconstruction operations. The Director shall give the greatest possible weight to the views of the Secretary and the Administrator on matters within their jurisdiction. During a declaration under section 1713 of a stabilization and reconstruction emergency, the Director shall work closely with the Secretary and the Administrator in planning, executing, and transitioning operations relevant to their respective jurisdictions.

(2) **IN-COUNTRY.**—During a stabilization and reconstruction emergency, the Director shall work closely with the Chief of Mission, or with the most senior Department of State or Agency for International Development officials responsible for the country in which such emergency exists, to ensure that the actions of the Office do not conflict with the foreign or development policies of the United States.

(b) **DETAILING.**—The heads of the various departments and agencies of the United States Government (other than the Secretary of Defense) shall provide for the detail on a reimbursable or nonreimbursable basis of such civilian personnel as may be agreed between such heads and the Director for the purposes of carrying out this Act. The heads of such departments and agencies shall provide for appropriate recognition and career progress for individuals who are so detailed upon their return from such details.

### **SEC. 1723. RELATION TO DEPARTMENT OF DEFENSE COMBATANT COMMANDS PERFORMING MILITARY MISSIONS.**

(a) **COORDINATION WITH SECRETARY OF DEFENSE AND COMBATANT COMMANDS.**—To the greatest degree practicable, the Director shall coordinate with the Secretary of Defense and commanders of unified and specified combatant commands established under section 161 of title 10, United States Code, regarding the plans of the Office for stabilization and reconstruction operations.

(b) **STAFF COORDINATION.**—The Director shall detail personnel of the Office to serve on the staff of a combatant command to assist in planning when a military operation will involve likely Armed Forces interaction with non-combatant populations, so that plans for a stabilization and reconstruction operation related to a military operation—

(1) complement the work of military planners; and

(2) as provided in subsection (c), ease interaction between civilian direct-hire employees and contractors in support of the stabilization and reconstruction operation and the Armed Forces.

(c) LIMITATIONS.—

(1) DIRECTOR.—The authority of the Director shall not extend to small-scale programs (other than economic development programs of more than a de minimis amount) designated by the Secretary of Defense as necessary to promote a safe operating environment for the Armed Forces or other friendly forces.

(2) MILITARY ORDER.—Nothing in this Act shall be construed as permitting the Director or any of the personnel of the Office (other than a member of the Armed Forces assigned to the Office under subsection (e)) to issue a military order.

(d) SUPPORT.—

(1) ASSISTANCE REQUIRED.—The commanders of combatant commands shall provide assistance, to the greatest degree practicable, to the Director and the personnel of the Office as they carry out their responsibilities.

(2) PERSONNEL.—The Secretary of Defense shall provide for the detail or assignment, on a reimbursable or nonreimbursable basis, to the staff of the Office of such Department of Defense personnel and members of the Armed Forces as may be agreed between the Secretary and the Director as necessary to carry out the duties of the Office.

**SEC. 1724. CONTINGENCY FEDERAL ACQUISITION REGULATION.**

(a) REQUIREMENT TO PRESCRIBE CONTINGENCY FEDERAL ACQUISITION REGULATION.—The Director, in consultation with the Director of the Office of Management and Budget, shall prescribe a Contingency Federal Acquisition Regulation. The Regulation shall apply, under such circumstances as the Director prescribes, in lieu of the Federal Acquisition Regulation with respect to contracts intended for use in or with respect to stabilization and reconstruction emergencies or in imminent or potential stabilization and reconstruction operations.

(b) PREFERENCE TO CERTAIN CONTRACTS.—It is the sense of Congress that the Contingency Federal Acquisition Regulation required by subsection (a) should include provisions requiring an agency to give a preference to contracts that appropriately, efficiently, and sustainably implement programs and projects undertaken in support of a stabilization and reconstruction operation.

(c) DEADLINE.—The Director shall prescribe the Contingency Federal Acquisition Regulation required by subsection (a) by the date occurring one year after the date of the enactment of this Act. If the Director does not prescribe the Regulation by that date, the Director shall submit to Congress a statement explaining why the deadline was not met.

**SEC. 1725. STABILIZATION AND RECONSTRUCTION FUND.**

(a) IN GENERAL.—Subject to subsection (c), there is established in the Treasury of the United States a fund, to be known as the “Stabilization and Reconstruction Emergency Reserve Fund”, to be administered by the Director at the direction of the President and with the consent of the Secretary of State and the Secretary of De-

fense for the following purposes with respect to a stabilization and reconstruction operation:

- (1) Development of water and sanitation infrastructure.
  - (2) Providing food distribution and development of sustained production.
  - (3) Supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent civilians who suffer losses as a result of military operations.
  - (4) Providing electricity.
  - (5) Providing healthcare relief and developing sustained healthcare.
  - (6) Development of telecommunications.
  - (7) Development of economic and financial policy.
  - (8) Development of education.
  - (9) Development of transportation infrastructure.
  - (10) Establishment and enforcement of rule of law.
  - (11) Humanitarian demining.
  - (12) Development of agriculture.
  - (13) Peace enforcement, peacekeeping, and post-conflict peacebuilding.
  - (14) Development of justice and public safety infrastructure.
  - (15) Development of security and law enforcement.
  - (16) Observation and enforcement of human rights.
  - (17) Development of governance, democratization, and building the capacity of government.
  - (18) Development of natural resource infrastructure.
  - (19) Establishment of environmental protection.
  - (20) Protection of vulnerable populations including women, children, the aged, and minorities.
  - (21) The operations of the Office.
  - (22) Any other purpose which the Director considers essential to address the emergency.
- (b) CONGRESSIONAL NOTIFICATION.—
- (1) PRESIDENTIAL DIRECTION.—At the time the President directs the Director to carry out or support an activity described in subsection (a), the President shall transmit to appropriate congressional committees a written notification of such direction.
  - (2) ACTIVITIES IN A COUNTRY.—Not less than 15 days before carrying out or supporting an activity described in subsection (a), the Director shall submit to the appropriate congressional committees information related to the budget, implementation timeline (including milestones), and transition strategy with respect to such activity and the stabilization or reconstruction operation at issue.
- (c) AUTHORIZATION OF APPROPRIATIONS.—No funds are authorized to be appropriated to the fund established in subsection (a) other than pursuant to a law enacted after the date of the enactment of this Act. Any such sums authorized to be appropriated—
- (1) shall be available until expended;
  - (2) shall not be made available for obligation or expenditure until the President declares a stabilization and reconstruction emergency pursuant to section 1713; and

(3) shall be in addition to any other funds made available for such purposes.

## **Subtitle C—Responsibilities of the Inspector General**

### **SEC. 1731. INSPECTOR GENERAL.**

(a) **IN GENERAL.**—There shall be within the Office an Office of the Inspector General, the head of which shall be the Inspector General of the United States Office for Contingency Operations (in this title referred to as the “Inspector General”), who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) **TECHNICAL AMENDMENTS AND ADDITIONAL AUTHORITIES.**—The Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in section 12—

(A) in paragraph (1), by inserting “the United States Office for Contingency Operations,” after “the President of the Export-Import Bank;”; and

(B) in paragraph (2), by inserting “the United States Office for Contingency Operations,” after “the Federal Housing Finance Agency;”;

(2) in section 8J, by striking “8E or 8F” and inserting “8E, 8F, or 8M”; and

(3) by inserting after section 8L the following new section:

### **“SEC. 8M. SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.**

“(a) **SPECIAL AUDIT AND INVESTIGATIVE AUTHORITY.**—

“(1) **IN GENERAL.**—When directed by the President, or otherwise provided by law, and in addition to the other duties and responsibilities specified in this Act, the Inspector General of the United States Office for Contingency Operations—

“(A) shall, with regard to the activities of the United States Office for Contingency Operations, have special audit and investigative authority over all accounts, spending, programs, projects, and operations; and

“(B) shall have special audit and investigative authority over the activities described in paragraph (2).

“(2) **ACTIVITIES DESCRIBED.**—The activities described in this paragraph are activities funded or undertaken by the United States Government that are not undertaken by or under the direction or supervision of the Director of the United States Office for Contingency Operations—

“(A) in response to emergencies, destabilization, armed conflict, or events that otherwise require stabilization or reconstruction operations;

“(B) where a rapid response by the United States is required or anticipated to be required; and

“(C) where the Inspector General is more well-suited than the implementing department or agency to engage rapidly in audit and investigative activities.

“(3) **ADMINISTRATIVE OPERATIONS.**—In any case in which the Inspector General of the United States Office for Contingency

Operations is exercising or preparing to exercise special audit and investigative authority under this subsection, the head of any department or agency undertaking or preparing to undertake the activities described in paragraph (2) shall provide such Inspector General with appropriate and adequate office space within the offices of such department or agency or at appropriate locations of that department or agency overseas, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

“(b) ADDITIONAL DUTIES.—

“(1) IN GENERAL.—It shall be the duty of the Inspector General of the United States Office for Contingency Operations to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for activities to be carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or for activities subject to the special audit and investigative authority of such Inspector General under subsection (a), and of the programs, operations, and contracts carried out utilizing such funds, including—

“(A) the oversight and accounting of the obligation and expenditure of such funds;

“(B) the monitoring and review of activities funded by such funds;

“(C) the monitoring and review of contracts funded by such funds;

“(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private and nongovernmental entities; and

“(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

“(2) SYSTEMS, PROCEDURES, AND CONTROLS.—The Inspector General of the United States Office for Contingency Operations shall establish, maintain, and oversee such systems, procedures, and controls as such Inspector General considers appropriate to discharge the duty under paragraph (1).

“(c) PERSONNEL AUTHORITY.—

“(1) IN GENERAL.—The Inspector General of the United States Office for Contingency Operations may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(2) EMPLOYMENT AUTHORITY.—The Inspector General of the United States Office for Contingency Operations may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of

that section). In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection, paragraph (2) of such subsection (b) (relating to periods of appointments) shall not apply.

“(3) EXEMPTION.—Section 6(a)(7) shall not apply with respect to the Inspector General of the United States Office for Contingency Operations.

“(d) REPORTS.—

“(1) QUARTERLY REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal-year quarter, the Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees of Congress a report in accordance with subparagraph (B) that summarizes for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities of such Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for activities carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations.

“(B) CONTENTS OF QUARTERLY REPORT.—Each report submitted pursuant to subparagraph (A) shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or under the special audit and investigative authority under subsection (a) of the Inspector General of the United States Office for Contingency Operations, and segregated by area (as may be prescribed by such Inspector General), including the following:

“(i) Obligations and expenditures of appropriated funds.

“(ii) A project-by-project and program-by-program accounting of the costs incurred to date by such Office or under the direction or supervision of such Office, or under the special audit and investigative authority of such Inspector General, for each stabilization and reconstruction operation, together with the estimate of the department or agency of the United States, as applicable, of the costs to complete each project and each program.

“(iii) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

“(iv) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

“(v) Operating expenses of departments, agencies, or other entities receiving amounts appropriated or oth-

erwise made available to or obligated or expended under the direction or supervision of such Director.

“(vi) In the case of a covered contract—

“(I) the amount of such contract;

“(II) a brief discussion of the scope of such contract;

“(III) a discussion of how the relevant department, agency, or other entity identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

“(IV) the extent to which competitive procedures were used for such contract.

“(C) REPORT COORDINATION.—Each report under this paragraph shall be furnished to the head of the establishment involved not later than 30 days after the submission of the report under subparagraph (A) and shall be transmitted by such head to the appropriate committees of the Congress not later than 30 days after receipt of the report, together with a report by the head of the establishment containing any comments such head determines appropriate, including a classified annex if such head considers it necessary.

“(2) SEMIANNUAL REPORTS.—The Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees a semiannual report that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act. The first such report for a year, covering the first six months of the year, shall be submitted not later than August 30 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than February 28 of the following year.

“(3) WAIVER.—

“(A) IN GENERAL.—The President may waive any of the requirements to be included in the reports under paragraph (1) or (2) if the President determines that the waiver is justified for national security reasons.

“(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this paragraph in the Federal Register not later than the date on which the report for which a waiver was made is required to be submitted to Congress under paragraph (1) or (2).

“(C) DESCRIPTION OF WAIVER IN REPORT.—The reports required under paragraph (1) or (2) shall specify whether waivers under this paragraph were made and with respect to which requirements.

“(4) REPORTS UNDER SECTION 5 OF THIS ACT.—

“(A) IN GENERAL.—In addition to reports otherwise required to be submitted under this subsection, the Inspector General of the United States Office for Contingency Operations—

“(i) may issue periodic reports of a similar nature to the quarterly reports submitted under paragraph (1)

with respect to activities subject to the special audit and investigative authority of such Inspector General under subsection (a); and

“(ii) if such Inspector General did not engage, during any six month period, in audit or investigation activities with respect to activities carried out under the direction or supervision of the Director, shall issue a report, not later than six months after the previous report was issued under this subsection that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act.

“(B) EXEMPTION.—The Inspector General of the United States Office for Contingency Operations is not required to provide reports under section 5 of this Act.

“(5) LANGUAGE OF REPORTS.—The Inspector General of the United States Office for Contingency Operations shall publish each report under this subsection in both English and to the degree that the Inspector General shall prescribe, in languages relevant to the host country.

“(6) FORM OF SUBMISSION.—Each report under this subsection may include a classified annex if the Inspector General of the United States Office for Contingency Operations considers it necessary.

“(7) DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES.—The term ‘appropriate committees’ means—

“(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

“(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

“(2) COVERED CONTRACT.—The term ‘covered contract’ means a contract entered into by any department or agency, with any public or private sector entity, in any geographic area with regard to a stabilization or reconstruction operation or where the Inspector General of the United States Office for Contingency Operations is exercising its special audit or investigative authority for the performance of any of the following:

“(A) To build or rebuild physical infrastructure of such area.

“(B) To establish or reestablish a political or governmental institution of such area.

“(C) To provide products or services to the local population of the area.

“(3) DEPARTMENT OR AGENCY.—The term ‘department or agency’ means any agency as defined under section 551 of title 5, United States Code.

“(4) STABILIZATION AND RECONSTRUCTION OPERATION.—The term ‘stabilization and reconstruction operation’ has the meaning given the term in section 1702 of the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012.”.

(c) TRANSFER AND TERMINATION OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—

(1) TRANSFER.—The following shall be transferred to the Office of the Inspector General of the United States Office for Contingency Operations:

(A)(i) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Iraq Reconstruction or the Inspector General of such office.

(ii) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Afghanistan Reconstruction or the Inspector General of such office.

(B) All personnel, assets, and liabilities of the Office of the Special Inspector General for Iraq Reconstruction, and all personnel, assets, and liabilities of the Office of the Special Inspector General for Afghanistan Reconstruction.

(2) EXERCISE OF FUNCTIONS.—The Inspector General shall exercise all functions transferred by paragraph (1)(A) on and after the effective date of this Act.

(3) PERSONNEL CLASSIFICATION AND COMPENSATION.—The transfer of personnel pursuant to paragraph (1)(B) shall not alter the terms and conditions of employment, including compensation and classification, of any employee so transferred.

(4) TERMINATION.—

(A) IRAQ RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(i) shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000.

(ii) DEFINITION.—In clause (i), the term “amounts appropriated or otherwise made available for the reconstruction of Iraq” has the meaning given the term in section 3001(m) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G), as such section was in effect on the day before the effective date of this Act.

(B) AFGHANISTAN RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(ii) shall terminate 180 days after the date on

which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than \$250,000,000.

(ii) DEFINITION.—In clause (i), the term “amounts appropriated or otherwise made available for the reconstruction of Afghanistan” has the meaning given the term in section 1229(m) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 384), as such section was in effect on the day before the effective date of this Act.

(5) REPEALS.—The following provisions of law are repealed:

(A) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App., note to section 8G).

(B) Section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378).

(d) SAVINGS PROVISIONS.—

(1) COMPLETED ADMINISTRATIVE ACTIONS.—(A) Completed administrative actions of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction shall not be affected by the enactment of this Act or the transfer of such offices to the Office of the Inspector General of the United States Office for Contingency Operations, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(B) For purposes of paragraph (1), the term “completed administrative action” includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(2) PENDING CIVIL ACTIONS.—Pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General of the United States Office for Contingency Operations, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(3) REFERENCES.—References relating to the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction that is transferred to the Office of the Inspector General of the United States Office for Contingency Operations in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the effective date of this Act shall be deemed to refer, as appropriate, to the Office of the Inspector General of the United States Office for Contingency Operations, to its officers, employees, or agents, or to its corresponding organizational units or functions.

## **Subtitle D—Responsibilities of Other Agencies**

### **SEC. 1741. RESPONSIBILITIES OF OTHER AGENCIES FOR MONITORING AND EVALUATION REQUIREMENTS.**

The head of any agency under the authority of the Director in support of a stabilization and reconstruction operation pursuant to section 1713 shall submit to the Director—

(1) on-going evaluations of the impact of such stabilization and reconstruction operation on such agency, including an assessment of interagency coordination in support of such operation;

(2) any information the Director requests, including reports, evaluations, analyses, or assessments, to permit the Director to satisfy the quarterly reporting requirement under section 1713(a)(4); and

(3) an identification, within each such agency, of all current and former employees skilled in crisis response, including employees employed by contract, and information regarding each such agency's authority mechanisms to reassign or reemploy such skilled personnel and mobilize rapidly associated resources in response to such operation.

### **SEC. 1742. TRANSITION OF STABILIZATION AND RECONSTRUCTION OPERATIONS.**

(a) **TERMINATION.**—Upon Presidential termination of a stabilization and reconstruction emergency pursuant to section 1713(d)(2), any effort of a Federal agency under the authority of the Director pursuant to section 1713 in support of a related stabilization and reconstruction operation shall return to the authority of such agency.

(b) **SCALE-DOWN OPERATIONS.**—The President, in consultation with the Director, the Secretary of State, and the Secretary of Defense, shall delegate to appropriate Federal agencies post-stabilization and reconstruction emergency operations.

### **SEC. 1743. SENSE OF CONGRESS.**

It is the sense of Congress that, to the extent possible, the Director and staff should partner with the country in which a stabilization and reconstruction operation is taking place, other foreign government partners, international organizations, and local non-governmental organizations throughout the planning, implementation, and particularly during the transition stages of such operations to facilitate long term capacity building and sustainability of initiatives.

## **Subtitle E—Authorization of Appropriations**

### **SEC. 1751. OFFSET OF COSTS IN ESTABLISHMENT OF OFFICE.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Director—

(1) shall reduce obligations for overseas response activities of the Office by not less than \$7,000,000 from the amount obli-

gated during fiscal year 2012 for overseas response activities by the Bureau of Conflict and Stabilization Operations and the Office of the Coordinator for Civilian Reconstruction and Stabilization; and

(2) may adjust, consolidate, or eliminate initiatives, positions, and programs to be incorporated within the Office (other than within the Office of Inspector General)—

(A) in order to achieve economies in operation; and

(B) in order to align the operations of the initiatives, positions, and programs more closely with the purposes of this title as stated in section 1703(b).

(b) **REDUCTION IN COSTS.**—In addition to the authority granted in subsection (a), the Director shall take such steps as the Director determines necessary to ensure, in each fiscal year, that costs incurred to carry out the provisions of this title do not exceed the sum of—

(1) 80 percent of amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this title other than those relating to the Inspector General of the Office; and

(2) 100 percent of the amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this Act relating to the Inspector General of the Office.

(c) **REPORT.**—Notwithstanding any other provision of law, the Director shall submit to Congress not later than 60 days after the date of the enactment of this Act a report on the actions taken to ensure compliance with subsections (a) and (b), including the specific initiatives, positions, and programs that have been adjusted or eliminated to ensure that the costs of carrying out this title will be offset.

**SEC. 1752. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title for each of fiscal years 2013 through 2017 an amount that does not exceed the amount determined pursuant to section 1751(b) of this title.

**SEC. 1753. SUNSET.**

This title (other than this section) shall cease to be effective on September 30, 2017.

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52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETRI OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XXVIII, insert the following:

**SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR DEPARTMENT OF DEFENSE ENERGY SECURITY.**

Section 2924(7)(A) of title 10, United States Code, is amended by inserting before the period at the end the following: “and direct solar renewable energy”.

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53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTLETT OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title XXVIII, add the following new section:

**SEC. 28 \_\_\_\_ . LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS GROUND AIR COMBAT CENTER TWENTY NINE PALMS, CALIFORNIA.**

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

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land Management estimates on national economic impact show \$261.5 million in commerce at risk.

(3) Economic impact on the local community is estimated to be \$71.1 million.

(b) LIMITATION OF FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new training range on land adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California until the Secretary of the Navy has provided the Congressional defense committees a report on the Marine Corps' efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identify the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identify any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identify the impact on the State of California's 1980 Desert Conservation plan regarding allocation of the Off Highway Vehicle Recreation Areas.

(E) The potential to use the same land without transfer, but under specific permits for use provided by the (such as agreements at other locations under permit from the Forest Service and Bureau of Land Management).

(F) Any potential on other Bureau of Land Management lands proximate to the Marine Corps Ground Air Combat Center Twenty Nine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the Congressional Committees and waive the requirement for this report.

54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA OR HIS DESIGNEES, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XXXI, add the following new section:

**SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR NONPROLIFERATION ACTIVITIES WITH RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation may be obligated or expended for nuclear nonproliferation activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Energy certifies, in coordination with the Secretary of State and the Secretary of Defense, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria’s suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for nuclear nonproliferation activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) **WAIVER.**—The Secretary of Energy may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In subtitle E of title XXXI, strike section 3156.

56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEINRICH OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title XXXI, add the following new section:

**SEC. 3158. PILOT PROGRAM ON TECHNOLOGY COMMERCIALIZATION.**

(a) **PILOT PROGRAM.**—The Secretary of Energy, in consultation with the Technology Transfer Coordinator appointed under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), may carry out a competitively awarded pilot program involving one non-profit entity and a national laboratory within the National Nuclear Security Administration for the purpose of accelerating technology transfer from national laboratories to the marketplace.

(b) **SELECTION OF ENTITY AND NATIONAL LABORATORY.**—In carrying out a pilot program under subsection (a), the Secretary of Energy and the Technology Transfer Coordinator shall jointly select a non-profit entity and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretary and Coordinator shall consider each of the following:

(1) A commitment to participate made by a national laboratory within the National Nuclear Security Administration being considered for selection.

(2) The availability of technologies, licenses, intellectual property, and other matters at a national laboratory being considered for selection.

(c) **PROGRAM ELEMENTS.**—The pilot program shall be carried out as follows:

(1) Under the pilot program, the Secretary and the Coordinator shall evaluate and validate the performance of technology transfer activities at the selected laboratory.

(2) The pilot program shall involve collaboration with other offices and agencies within the Department of Energy and the National Nuclear Security Administration.

(3) Under the pilot program, the non-profit entity selected to carry out the pilot program shall work to create business startups and increase the number of cooperative research and development agreements and sponsored research projects at the selected laboratory. The non-profit entity shall work with interested businesses in identifying appropriate technologies at the national laboratory and facilitating the commercialization process.

(4) The Secretary of Energy and the Coordinator shall use the results of the pilot program as the basis for informing key performance parameters and strategies that could be implemented in various national laboratories across the country.

(d) **DURATION.**—A pilot program carried out under subsection (a) shall be not more than two years in duration.

(e) **REPORTS.**—

(1) **INITIAL REPORTS.**—Not later than one year after the date on which a pilot program under subsection (a) begins, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation in the Senate, a report that provides an update on the implementation of the pilot program under this section, including an identification of the selected non-profit entity and national laboratory.

(2) FINAL REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate a report on the pilot program, including any findings and recommendations of the Secretary. The non-profit entity shall submit a report detailing its experiences working with the laboratory and submit recommendations for improvement of technology commercialization.

(f) DEFINITIONS.—In this section, the term “national laboratory” means—

(1) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(2) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

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57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 831, strike lines 8 through 13 and insert the following: “the Administrator shall prescribe appropriate policies and regulations to ensure the adequate protection of the health and safety of the employees of the Administration, contractors of the Administration, and the public. Such policies and regulations shall be based upon risk whenever sufficient data exists.”.

Page 831, after line 22, insert the following new paragraph:

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to cause a reduction in nuclear safety standards.”.

Page 922, beginning line 18, strike “ensure” and all that follows through “protected.” on line 23 and insert the following: “ensure the adequate protection of public health and safety at defense nuclear facilities of the Department of Energy. Such analysis, advice, and recommendations shall be based upon risk whenever sufficient data exists.”.

Page 923, line 2, insert “and” after the semicolon.

Page 923, strike lines 3 through 13.

Page 923, line 14, strike “(iv)” and insert “(ii)”.

Page 923, strike lines 15 through 21.

Page 923, line 22, strike “(II)” and insert “(I)”.

Page 923, line 23, insert “risk (whenever sufficient data exists)” after “assess”.

Page 924, line 1, strike “(III)” and insert “(II)”.

Page 931, after line 4, insert the following new subsection:

(h) SAFETY STANDARDS.—Nothing in this section nor in the amendments made by this section shall be construed to cause a reduction in nuclear safety standards.

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58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 453, after line 16, insert the following (and conform the table of contents accordingly):

**SEC. 1069. REPORT ON MANUFACTURING INDUSTRY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the manufacturing industry of the United States. The report shall include, at a minimum, the following:

(1) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(2) An assessment of the tax, trade, and regulatory policies of the United States as such policies impact the growth of the manufacturing industry in the United States.

(3) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(4) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities of that supply chain.

59. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REHBERG OF MONTANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1065A. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF STRATEGIC DELIVERY SYSTEMS.**

(a) LIMITATION.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following:

**“§ 498. Commensurate strategic delivery system reductions**

“(a) LIMITATION ON NEW START REDUCTIONS.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the Department of Defense may be obligated or expended to reduce, convert, or decommission any strategic delivery system pursuant to the levels set forth for such systems under the New START Treaty unless the President certifies to the congressional defense committees that—

“(1) the Russian Federation must make a commensurate reduction, conversion, or decommissioning pursuant to the levels set forth under such treaty; and

“(2) the Russian Federation is not developing or deploying a strategic delivery system that is—

“(A) not covered under the limits set forth under such treaty; and

“(B) capable of reaching the United States.

“(b) LIMITATION ON TRIAD REDUCTIONS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the Department of Defense may be obligated or expended to reduce, convert, or decommission any strategic delivery system if such reduction, conversion, or decommissioning would eliminate a leg of the nuclear triad.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

“(2) The term ‘strategic delivery system’ means the following delivery platforms for nuclear weapons:

“(A) Land-based intercontinental ballistic missiles.

“(B) Submarine-launched ballistic missiles and associated ballistic missile submarines.

“(C) Nuclear-certified strategic bombers.

“(3) The term ‘triad’ means the nuclear deterrent capabilities of the United States composed of the strategic delivery systems.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 497 the following new item:

“498. Commensurate strategic delivery system reductions.”

60. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title III, add the following new section:

**SEC. 3 . SURVEY AND REPORT ON PERSONAL PROTECTION EQUIPMENT NEEDED BY MEMBERS OF THE ARMED FORCES DEPLOYED ON THE GROUND IN COMBAT ZONES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when sending members of the United States Armed Forces into combat, the United States has an obligation to ensure that—

(1) the members are properly equipped with the best available protective equipment and supplies; and

(2) the members, or their family and friends, never feel compelled to purchase additional equipment and supplies to be safer in combat.

(b) SURVEY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an anonymous survey among members and former members of the Armed Forces who were deployed on the ground in a combat zone since September 11, 2001, requesting information on what kinds of personal protection equipment (such as body armor and ballistic eyewear) the member believes should have been provided to members during deployment but were not provided. The Secretary shall include in the survey questions about whether members, their families, or other persons purchased any personal protection equipment because the Armed Forces did not provide the equipment and the types and quantity of equipment purchased.

(c) REPORT ON RESULTS OF SURVEY.—Not later than 180 days after the completion of the survey required by subsection (b), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the survey;

(2) describing the types and quantity of personal protection equipment not provided by the Armed Forces and purchased instead by or on behalf of members of the Armed Forces to protect themselves;

- (3) explaining why such personal protection equipment was not provided; and  
 (4) recommending future funding solutions to prevent the omission in the future.

61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 81, line 2, strike “and” at the end.

Page 81, line 6, strike the period at the end and insert “; and”.

Page 81, after line 6, insert the following:

- (4) an assessment of any challenges that may exist in the manufacturing capability of the United States to produce three-dimensional integrated circuits (including a review of the challenges that may exist in the manufacturing capability of the United States to produce small-lot quantities of advanced chips (200mm and 300mm)) and a general analysis on potential ways to overcome these challenges and encourage domestic commercial capability to develop and manufacture three-dimensional integrated circuits for use in military systems.

62. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE McDERMOTT OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 93, after line 10, insert the following new paragraph:

- (6) A status report on the sharing of environmental exposure data with the Secretary of Veterans Affairs on an ongoing and regular basis for use in medical and treatment records of veterans, including using such data in determining the service-connectedness of health conditions and in identifying the possible origins and causes of disease.

63. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

**SEC. 3 . AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.**

(a) INCLUSION OF INDIAN TRIBES.—Section 103A(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended in the matter preceding paragraph (1) by inserting “Indian tribes,” after “local governments,”.

(b) INDIAN TRIBE DEFINED.—Section 100 of such Act (16 U.S.C. 670) is amended by adding at the end the following new paragraph:

- “(6) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services

provided by the United States to Indians because of their status as Indians.”.

64. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PIERLUISI OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

**SEC. 3 \_\_\_\_ . SENSE OF CONGRESS REGARDING DECONTAMINATION OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA, PUERTO RICO.**

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

(1) Section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464) requires the Secretary of Defense within 270 days of receiving a request from the government of Puerto Rico, to conduct a study assessing the presence of unexploded ordnance, and any threat to public health, public safety and the environment posed by such unexploded ordnance, in the portion of the former bombardment area on the island of Culebra, Puerto Rico, that was transferred to the government of Puerto Rico by quitclaim deed on August 11, 1982.

(2) On April 25, 2011, the Governor of Puerto Rico formally requested by letter that the Secretary of Defense commence this study.

(3) On May 25, 2011, the Deputy Under Secretary of Defense for Installations and Environment acknowledged receipt of the Governor’s letter on behalf of the Secretary of Defense, and affirmed that the Department of Defense would conduct the study in accordance with such section 2815 and provide the final report to Congress no later than 270 days from the date of the Governor’s letter.

(4) January 20, 2012, marked the date 270 days after the Governor’s letter of April 25, 2011.

(5) Section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) stated that “the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States.” The Department of Defense has interpreted this provision to constitute a permanent prohibition on the use of Federal funds in the area of Culebra referenced in such section to pay for decontamination and removal of unexploded ordnance, although it may be warranted to protect public health, public safety, and the environment.

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

(1) the Secretary of Defense should expeditiously submit to the Committees on Armed Services of the Senate and House of Representatives the final report prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464);

(2) if that report indicates that decontamination and removal of unexploded ordnance in the portion of the former bombardment area on Culebra that was transferred to the government of Puerto Rico by quitclaim deed on August 11, 1982, could be conducted at reasonable cost to the Federal Government, it is appropriate for Congress to amend section 204(c) of the Mili-

tary Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668) to authorize such decontamination and removal of unexploded ordnance; and

(3) any removal of unexploded ordnance should be accomplished pursuant to the normal prioritization process established by the Department of Defense under the Military Munitions Response Program within the Defense Environmental Restoration Program.

65. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BORDALLO OF GUAM OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title III, add the following new section:

**SEC. 3 . CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 116. State Partnership Program**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of a foreign country.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

66. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ALTMIRE OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title III, add the following new section:

**SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS SERVICES TO UNIFORMED PERSONNEL TRANSITING THROUGH FOREIGN AIRPORTS.**

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing market-rate or below-market rate (or both) telecommunications service (either phone, VoIP, video chat, or a combination thereof), either directly or through a contract, to uniformed military personnel transiting through a foreign airport while in transit to or returning from deployment overseas. The Secretary also shall investigate allegations of certain telecom companies specifically targeting uniformed military personnel in transit overseas (who have no other option to contact their families) with

above-market-rate fees, and shall include the results of that investigation in the report.

(b) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

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67. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following new section:

**SEC. 3 \_\_ . ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.**

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 909. Training assistance**

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies performing homeland defense 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 certified by the Federal Emergency Management Agency as capable of providing emergency response training.

“(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:

“909. Training assistance.”.

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68. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 116, after line 23, insert the following new section (and conform the table of contents accordingly):

**SEC. 347. REPORT ON STATUS OF TARGETS IN OPERATIONAL ENERGY STRATEGY IMPLEMENTATION PLAN.**

(a) IN GENERAL.—The Secretary of Defense shall submit annually to the relevant congressional committees a report on the status of the targets listed in the document entitled “Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012”, including—

(1) the status of each of the targets listed in the implementation plan;

(2) the steps being taken to meet the targets;

(3) the expected date of completion for each target if such date is different from the date indicated in the report; and

- (4) the reason for any delays in meeting the targets.
- (b) **RELEVANT CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “relevant congressional committees” means—
- (1) the Committee on Armed Services of the Senate and the House of Representatives;
  - (2) the Committee on Oversight and Government Reform of the House of Representatives;
  - (3) the Committee on Homeland Security and Governmental Affairs of the Senate;
  - (4) the Committee on Foreign Affairs of the House of Representatives; and
  - (5) the Committee on Foreign Relations of the Senate;

69. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAVAACK OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of section 352 (page 119, after line 9), add the following new subsection:

(e) **SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY FIGHTER WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.**—It is the sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.

70. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle G of title III, add the following new section:

**SEC. 362. COMPTROLLER GENERAL REVIEW OF HANDLING, LABELING, AND PACKAGING PROCEDURES FOR HAZARDOUS MATERIAL SHIPMENTS.**

(a) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall conduct a review of the policies and procedures of the Department of Defense for the handling, labeling, and packaging of hazardous material shipments.

(b) **MATTERS INCLUDED.**—The review conducted under subsection (a) shall address the following:

(1) The relevant statutes, regulations, and guidance and policies of the Department of Defense pertaining to the handling, labeling, and packaging procedures of hazardous material shipments to support military operations.

(2) The extent to which the such guidance, policies, and procedures contribute to the safe, timely, and cost-effective handling of such material.

(3) The extent to which discrepancies in Department of Transportation guidance, policies, and procedures pertaining to handling, labeling, and packaging of hazardous materials shipments in commerce and similar Department of Defense guidance, policies, and procedures pertaining to the handling, labeling, and packaging of hazardous materials shipments impact the safe, timely, and cost-effective handling of such material.

(4) Any additional matters that the Comptroller General determines will further inform the appropriate congressional committees on issues related to the handling, labeling, and packaging procedures for hazardous material shipments to members of the Armed Forces worldwide.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report of the review conducted under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

71. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 142, line 23, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Defense”.

Page 143, line 18, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Defense”.

Page 144, line 7, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Defense”.

Page 144, line 9, insert “and the Secretary of Homeland Security” after “Defense”.

Page 144, line 10, insert “the Commandant of the Coast Guard,” after “Staff.”

Page 145, after line 24, insert the following new subsection:

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;

(B) the number of such officers and personnel, listed by sex and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by sex and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States

Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

Page 168, line 14, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Secretary of Defense”.

Page 168, line 17, insert “and the Coast Guard” after “Department of Defense”.

Page 169, lines 5 and 6, insert “and the Coast Guard” after “Department of Defense”.

Page 169, line 14, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Secretary of Defense”.

Page 169, line 17, strike “the Secretary of Defense considers” and insert “the Secretaries consider”.

Page 169, line 24, insert “(and the Secretary of Homeland Security in the case of the Coast Guard)” after “Secretary of Defense”.

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72. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 . ON-LINE TRACKING OF CERTAIN RESERVE DUTY.**

The Secretary of Defense shall establish an online means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The tour calculator shall specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under the amendments to section 12731 of such title made by section 647 of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 160).

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73. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 535, insert the following new subsection after subsection (d) (and redesignate subsection (e) as subsection (f)):

(e) TRANSFER OF VICTIMS OF HAZING IN THE ARMED FORCES.—The Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code) shall develop and implement a procedure to transfer a member of that branch of the Armed Forces who has been the victim of a substantiated incident of hazing to another unit in such branch of the Armed Forces.

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74. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHU OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 535, relating to efforts to prevent and respond to hazing incidents involving members of the Armed Forces, add the following new subsections:

(f) ANNUAL REPORTING REQUIREMENT.—

(1) IN GENERAL.—The database required by subsection (b) shall be used to develop and implement an annual congressional report.

(2) REPORTS REQUIRED.—Not later than January 15 of each year, the Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard) shall submit to the designated congressional committees a report on the hazing incidents involving members of the Armed Forces during the preceding year.

(3) ELEMENTS.—Each report shall include the following:

(A) an assessment by the Secretaries of the implementation during the preceding year of the policies and procedures of each Armed Force on the prevention of and response to hazing involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures.

(B) Data on the number of alleged and substantiated hazing incidents within each Armed Force that occurred that year, including the race, gender and Armed Force of the victim and offender, the nature of the hazing, and actions taken to resolve and address the hazing.

(g) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the designated congressional committees a report on the policies to prevent hazing and systems initiated to track incidents of hazing in each of the Armed Forces, including officer cadet schools, military academies, military academy preparatory schools, and basic training and professional schools for enlisted members.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An evaluation of the definition of hazing used pursuant to subsection (e).

(B) A description of the criteria used, and the methods implemented, in the systems to track incidents of hazing in the Armed Forces.

(C) An assessment of the following:

(i) The scope of hazing in each Armed Force.

(ii) The policies in place and the training on hazing provided to members throughout the course of their careers for each Armed Force.

(iii) The actions taken to mitigate hazing incidents in each Armed Force.

(iv) The effectiveness of the training and policies in place regarding hazing.

(v) The number of alleged and substantiated incidents of hazing over the last five years for each Armed

Force, the nature of these cases and actions taken to address such matters through non-judicial and judicial action.”

(D) An evaluation of the additional actions, if any, the Secretary of Defense and the Secretary of Homeland Security propose to take to further address the incidence of hazing in the Armed Forces.

(E) Such recommendations as the Comptroller General considers appropriate for improving hazing prevention programs, policies, and other actions taken to address hazing within the Armed Forces.

(h) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—In subsections (f) and (g), the term “designated congressional committees” means—

(1) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Commerce, Science and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

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75. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title V, add the following new section:

**SEC. 5 \_\_\_\_ . COORDINATION BETWEEN YELLOW RIBBON REINTEGRATION PROGRAM AND SMALL BUSINESS DEVELOPMENT CENTERS.**

The Office for Reintegration Programs shall assist each State to coordinate services under the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act of 2008 (10 U.S.C. 10101 note) with Small Business Development Centers (as defined in section 3(t) of the Small Business Act) in each State.

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76. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALSH OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title V, add the following new section:

**SEC. 544. EXPANSION OF DEPARTMENT OF DEFENSE PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR MILITARY OCCUPATIONAL SPECIALTY SKILLS.**

(a) EXPANSION OF PROGRAM.—Subsection (b)(1) of section 558 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2015 note) is amended by striking “or more than five”.

(b) USE OF INDUSTRY-RECOGNIZED CERTIFICATIONS.—Subsection (b) of such section is further amended—

(1) by striking “and” at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) consider utilizing industry-recognized certifications or licensing opportunities for civilian occupational skills comparable to the specialties or codes so designated; and”.

77. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V, add the following new section:

**SEC. 5 \_\_\_\_ . REPORT ON NAVY REVIEW, FINDINGS, AND ACTIONS PERTAINING TO MEDAL OF HONOR NOMINATION OF MARINE CORPS SERGEANT RAFAEL PERALTA.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta. The report shall account for all evidence submitted with regard to the case.

78. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V, add the following new section:

**SEC. 5 \_\_\_\_ . AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

79. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NUGENT OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V of division A, add the following new section:

**SEC. 5 \_\_\_\_ . RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

(a) **AUTHORITY TO AWARD.**—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7,

1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) **PROCUREMENT OF BADGE.**—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

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80. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V, add the following new section:

**SEC. 5 . ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.**

(a) **ADVANCEMENT.**—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

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81. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENT OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title VI, add the following new section:

**SEC. 664. STUDY ON ISSUING IDENTIFICATION CARDS TO CERTAIN MEMBERS UPON DISCHARGE.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study assessing the feasibility of issuing to a covered member an identification card that would—

(1) provide such member with a convenient method of summarizing the DD-214 form or other official document from the official military personnel file of the member; and

(2) not serve as proof of any benefits to which the member may be entitled to.

(b) **MATTERS INCLUDED.**—The study conducted under subsection (a) shall address the following:

(1) The information to be included on the identification card.

(2) Whether the Secretary should issue such card—

(A) to each covered member; or

(B) to a covered member upon request.

(3) If the card were to be issued to each covered member, the estimated cost of such issuance.

(4) If the card were to be issued upon the request of a covered member, whether the Secretary should charge such member a fee for such card, including the amount of such fee.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) COVERED MEMBER.—In this section, the term “covered member” means a member of the Armed Forces who—

(1) is expected to be discharged—

(A) after the completion of the service obligation of the member; and

(B) under conditions other than dishonorable;

(2) is expected to be issued a DD Form 214 Certificate of Release or Discharge from Active Duty; and

(3) after such discharge, would not otherwise be issued an identification card by the Department of Defense or the Department of Veterans Affairs.

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82. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHARDSON OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 213, after line 10, insert the following new subparagraph:

(G) Any Department of Defense website.

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83. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 . CORRECTION OF MILITARY RECORDS OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE RETALIATORY PERSONNEL ACTIONS FOR MAKING A REPORT OF SEXUAL ASSAULT OR SEXUAL HARASSMENT.**

The Secretary of Defense shall conduct a general education campaign to notify members of the Armed Forces regarding the authorities available under chapter 79 of title 10, United States Code, for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

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84. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 . DEPARTMENT OF DEFENSE SEXUAL ASSAULT AND HARASSMENT OVERSIGHT AND ADVISORY COUNCIL.**

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 188. Sexual Assault and Harassment Oversight and Advisory Council**

“(a) ESTABLISHMENT.—There is a Sexual Assault and Harassment Oversight and Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—(1) The Council shall be comprised of individuals appointed by the Secretary of Defense who are experts and professionals in the fields of sexual assault and harassment, judicial proceedings involving sexual assault or harassment, or treatment for sexual assault or harassment. At a minimum, the Council shall include as members the following:

“(A) The Director of the Sexual Assault Prevention and Response Office of the Department of Defense.

“(B) The Judge Advocates General of the Army, Navy, and Air Force.

“(C) A judge advocate from the Army, Navy, Air Force, and Marine Corps with experience in prosecuting sexual assault cases.

“(D) A Department of Justice representative with experience in prosecuting sexual assault cases.

“(E) An individual who has extensive experience in providing assistance to sexual assault victims.

“(F) An individual who has expertise the civilian judicial system with respect to sexual assault.

“(2) Subject to paragraph (3), members shall be appointed for a term of two years. A member may serve after the end of the member’s term until the member’s successor takes office.

“(3) If a vacancy occurs in the Council, the vacancy shall be filled in the same manner as the original appointment. A member of the Council appointed to fill a vacancy occurring before the end of the term for which the member’s predecessor was appointed shall only serve until the end of such term.

“(c) CHAIRMAN; MEETINGS.—(1) The Council shall elect a chair from among its members.

“(2) The Council shall meet not less often than once every year.

“(3) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

“(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. Members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(2) The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, while away from their homes or regular places of business in the performance of services for the Council.

“(e) RESPONSIBILITIES.—The Council shall be responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

“(f) ANNUAL REPORT.—Not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“188. Sexual Assault and Harassment Oversight and Advisory Council.”

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85. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title V of division A, add the following new section:

**SEC. 5 \_\_ . REPORT ON EFFECTS OF MULTIPLE DEPLOYMENTS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

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86. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY OF NEBRASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V, add the following new section:

**SEC. 5 \_\_ . MILITARY SALUTE DURING RECITATION OF PLEDGE OF ALLEGIANCE BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.**

Section 4 of title 4, United States Code, is amended by adding at the end the following new sentence: “Members of the Armed Forces not in uniform and veterans may render the military salute in the manner provided for persons in uniform.”

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87. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 704. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) Once during each 180-day period during which a member is deployed.”; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking “; and” and inserting a semicolon; and

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and”.

(b) CONFORMING AMENDMENT.—Section 1074m(a)(2) of title 10, United States Code, is amended by striking “subparagraph (B) and (C)” and inserting “subparagraph (C) and (D)”.

**88. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 292, line 20, strike “, reduce,”.

Page 293, line 6, strike “to” and insert “from”.

Page 293, line 18, strike “affect” and insert “effect”.

**89. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle C of title VII, add the following new section:

**SEC. 725. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) STUDY.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

- (F) the locations of duty stations that such member or veteran was assigned;
- (G) the locations in which such member or veteran was deployed; and
- (H) the geographic area of residence prior to deployment.
- (3) An analysis of breast cancer treatments received by such members and veterans.
- (4) Other information the Secretaries consider necessary.
- (b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).
- (c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—
- (1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and
  - (2) the amount authorized to be appropriated in section 101 for Weapons Procurement, Navy, as specified in the corresponding funding table in section 4101 of division D, is hereby reduced by a total \$10,000,000, with the amount of the reduction to be derived from—
    - (A) Line 004 (AMRAAM) in the amount of \$2,700,000;
    - (B) Line 006 (JSOW) in the amount of \$2,700,000; and
    - (C) Line 009 (Hellfire) in the amount of \$4,600,000.

90. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 725. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

- (1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The treatment (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) **PAYMENT DEADLINE.**—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) **PAYMENT AUTHORITY.**—

(1) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall make payments under this section for treatments received by members of the Armed Forces using the authority in subsection (c)(1) of section 1074 of title 10, United States Code.

(2) **DEPARTMENT OF VETERANS AFFAIRS.**—The Secretary of Veterans Affairs shall make payments under this section for treatments received by veterans using the authority in section 1728 of title 38, United States Code.

(f) **PAYMENT AMOUNT.**—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) **DATA COLLECTION AND AVAILABILITY.**—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment, in the case of data relating to a patient case involving the use of such treatment.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment under this section, or for the provision of such treatment, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this section, a uni-

versity-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

(p) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) IN GENERAL.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2013—

(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase

allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by \$10,000,000, with the amount of the reduction to be derived from Line 260, Office of the Secretary of Defense as set forth in the table under section 4301.

(2) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

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91. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title VII, add the following new section:

**SEC. 725. INCREASED COLLABORATION WITH NIH TO COMBAT TRIPLE NEGATIVE BREAST CANCER.**

The Office of Health of the Department of Defense shall work in collaboration with the National Institutes of Health to—

(1) identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and

(2) provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both—

(A) triple negative breast cancer patients to be identified earlier in the progression of their disease; and

(B) the development of multiple targeted therapies for the disease.

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92. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII, add the following new section:

**SEC. 7 \_\_\_\_ . CONGRESSIONAL SUPPORT FOR GREATER AWARENESS OF POST-TRAUMATIC STRESS DISORDER.**

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

(1) The brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being.

(2) More than 2,400,000 members of the Armed Forces have deployed overseas as part of overseas contingency operations since the events of September 11, 2001.

(3) One in five members who have returned from deployment reported symptoms of post-traumatic stress disorder (PTSD).

(4) Just over ½ of the members have sought treatment for PTSD symptoms.

(5) More than 90,000 members returning from deployment to Operation Enduring Freedom or Operation Iraqi Freedom are clinically diagnosed with PTSD.

(6) The Armed Forces have sustained an operational tempo for a period of time unprecedented in the history of the United States, with many members deploying multiple times, placing them at high risk of PTSD.

(7) Up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD.

(8) Many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues.

(9) PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated.

(10) The Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain.

(11) About ½ of members and their spouses report they are somewhat or not at all knowledgeable about the signs and symptoms of PTSD.

(b) CONGRESSIONAL EXPRESSION OF SUPPORT.—In light of the findings made in subsection (a), Congress—

(1) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (PTSD); and

(2) supports the creation of an advisory commission on PTSD to coordinate the efforts of the Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.

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93. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VIII, add the following new section:

**SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR PURCHASE OF HELICOPTERS FOR AFGHAN SECURITY FORCES.**

(a) REQUIREMENT FOR COMPETITIVELY BID CONTRACTS.—Subject to subsection (b), the Secretary of Defense shall award any contract that will use United States funds for the procurement of helicopters for the Afghan Security Forces using competitive procedures.

(b) PROHIBITION ON CONTRACTING WITH CERTAIN ENTITIES.—Notwithstanding subsection (a), the Secretary of Defense may not award a contract, directly or indirectly, to any entity controlled, directed, or influenced by—

(1) a country that has provided weapons to Syria at any time after the date of the enactment of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175); or

(2) any country that is currently a state sponsor of terrorism.

(c) **STATE SPONSOR OF TERRORISM DEFINED.**—In subsection (b), the term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act.

(d) **EFFECTIVE DATE.**—The requirement in subsection (a) shall apply to contracts awarded after the date of the enactment of this Act.

(e) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the applicability of this section if the Secretary determines such a waiver is necessary in the national security interests of the United States.

94. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIVERA OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VIII (page 297, after line 23), insert the following new section:

**SEC. 802. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH STATE SPONSORS OF TERRORISM.**

(a) **PROHIBITION.**—The Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism.

(b) **DEFINITIONS.**—In this section:

(1) **STATE SPONSOR OF TERRORISM.**—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(2) **BUSINESS OPERATIONS.**—The term “business operations” means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) **PERSON.**—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other non-governmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution

(as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

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95. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 818 and insert the following:

**SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRARED TECHNOLOGY SECTORS.**

(a) **ASSESSMENT.**—The Secretary of Defense, in conjunction with the sector-by-sector, tier-by-tier review conducted by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, shall conduct an assessment of the health and status of various national defense infrared technology sectors, including technology such as focal plane arrays sensitive to infrared wavelengths, read-out integrate circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.

(b) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment within 90 days after the date of the enactment of this Act.

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96. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

**SEC. 833. REQUIREMENT TO INCLUDE TRAFFICKING IN PERSONS IN PERFORMANCE ASSESSMENTS OF DEFENSE CONTRACTORS.**

(a) **PERFORMANCE ASSESSMENTS TO INCLUDE EVALUATION OF TRAFFICKING IN PERSONS.**—With respect to any performance assessment of a defense contractor or subcontractor of such a contractor, or any labor recruiter, broker, or other agent used by the contractor or subcontractor, the Secretary of Defense shall include an evaluation of trafficking in persons.

(b) **TRAFFICKING IN PERSONS DEFINED.**—In this section, the term “trafficking in persons” has the meaning provided the term “severe form of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

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97. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

**SEC. 833. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.**

(a) **IN GENERAL.**—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a ‘jobs impact statement’) that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(B) The information that may be included in a jobs impact statement may include the following:

“(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

“(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

“(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer.

“(D) The agency may request further information from the offeror in order to verify the accuracy of the information in the jobs impact statement.

“(E) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

“(F) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.”.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

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98. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 313, after line 20, insert the following:

**SEC. 833. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.**

Not later than June 30, 2013, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the use of energy savings performance contracts by the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, including each of the following:

(1) The amount of appropriated funds that have been obligated or expended and that are expected to be obligated or expended for energy savings performance contracts.

(2) The amount of such funds that have been used for comprehensive retrofits.

(3) The amount of such funds that have been used to leverage private sector capital, including the amount of such capital.

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99. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 345, line 20, strike “RULE OF CONSTRUCTION” and insert “RULE OF CONSTRUCTION REGARDING AUTHORITY IN CYBERSPACE”.

Page 345, line 23, strike the quotation mark and the second period.

Page 345, after line 23 insert the following:

“(d) RULE OF CONSTRUCTION REGARDING COVERT ACTIONS.—Nothing in this section shall be construed to authorize a covert action (as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e))) or modify the requirements of section 503 of such Act (50 U.S.C. 413b).

“(e) CONGRESSIONAL NOTIFICATION.—Consistent with, and in addition to, any other reporting requirements under law, the Secretary of Defense shall ensure that the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) are kept fully and currently informed of any intelligence or intelligence-related activities undertaken in support of military activities in cyberspace.”.

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100. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX, add the following new section:

**SEC. \_\_\_\_ . NATIONAL LANGUAGE SERVICE CORPS.**

(a) CHARTER FOR NATIONAL LANGUAGE SERVICE CORPS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

“(a) ESTABLISHMENT.—

“(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) NATIONAL SECURITY EDUCATION BOARD.—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary

considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

“(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

“(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

“(2) the Corps shall be deemed to be a uniformed service.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

“(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal government that use those skills;

“(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans

and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills; and

“(E) proposing to the Secretary regulations to carry out section 813.”.

101. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
PIERLUISI OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

At the end of subtitle B of title X, add the following new section:

**SEC. 1015. SENSE OF CONGRESS REGARDING THE COUNTERDRUG  
TETHERED AEROSTAT RADAR SYSTEM PROGRAM.**

(a) FINDINGS.—Congress finds the following:

(1) Since 1992, the Air Force has administered the Counterdrug Tethered Aerostat Radar System (TARS) program, which contributes to deterring and detecting smugglers moving illicit drugs into the United States.

(2) There are eight current tethered aerostat systems, located at Yuma, Arizona, Fort Huachuca, Arizona, Deming, New Mexico, Marfa, Texas, Eagle Pass, Texas, Rio Grande City, Texas, Cudjoe Key, Florida, and Lajas, Puerto Rico.

(3) Primary customers of the surveillance data from the TARS program are the Department of Homeland Security, the United States Northern Command, the United States Southern Command, and the North American Aerospace Defense Command.

(4) In the past two years, the radars in two of the eight tethered aerostat systems have been destroyed in strong weather conditions, namely the radar at Lajas, Puerto Rico, which was destroyed in April 2011, and the radar at Marfa, Texas, which was destroyed in February 2012.

(5) The Air Force has indicated that it does not have sufficient spare parts in its inventory to replace either of these two radars or the funding necessary to purchase any new radars. As a result, there are no current plans to resume operations at Lajas, Puerto Rico or Marfa, Texas.

(6) The loss of these two tethered aerostats systems substantially degrades counterdrug capabilities in the Caribbean corridor and along the Southwest border.

(7) The loss of the tethered aerostat system in Lajas, Puerto Rico, is particularly detrimental to the national counterdrug mission. In Section 1023 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), Congress found that—

(A) “Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.”; and

(B) “The tethered aerostat system in Lajas, Puerto Rico, contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat’s range and

operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.”

(8) In such section 1023, Congress expressed that “Congress and the Department of Defense should fund the Counter-Drug Tethered Aerostat program.”

(9) In recent years, Puerto Rico and the U.S. Virgin Islands have been increasingly impacted by the drug trade and related violence. Both jurisdictions have homicide rates that are roughly six times the national average and about three times higher than any State, and many of these homicides are linked to the drug trade.

(10) The Department of Defense has raised questions as to whether it should continue to administer the TARS program or, alternatively, whether responsibility for this program should be vested in the Department of Homeland Security.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), it is the sense of Congress that—

(1) irrespective of whether the Department of Defense continues to be responsible for the Counterdrug Tethered Aerostat Radar System (TARS) program or such responsibility is assigned to another agency, Congress and the responsible agency should fund the TARS program; and

(2) Congress and the responsible agency should take all appropriate steps to ensure that the eight current tethered aerostat systems are fully functional and, in particular, to ensure that the TARS program is providing coverage to protect jurisdictions of the United States in the Caribbean region, as well as jurisdictions of the United States along the United States-Mexico border and in the Florida Straits.

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102. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH SUSTAINING AND MODERNIZING THE NUCLEAR DETERRENT.**

Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by amending subparagraph (F) to read as follows:

“(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report, including the applicable and appropriate costs associated with—

- “(i) training;
- “(ii) basing;
- “(iii) security;

“(iv) testing;  
 “(v) research;  
 “(vi) development;  
 “(vii) deployment;  
 “(viii) transportation;  
 “(ix) personnel;  
 “(x) overhead; and  
 “(xi) other appropriate matters.”; and

(B) by adding at the end the following new paragraph:  
 “(3) DETAILED BUDGET ESTIMATE CONTENTS.—Each budget estimate under paragraph (2)(F) shall include a detailed description of the matters included in such estimate, the rationale for including such matters, and the cost listed by location. Such costs listed by location shall be submitted in the form of a classified annex in accordance with subsection (b).”; and

(2) by adding at the end the following new subsection:

“(c) COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

“(1) review each report under subsection (a) for accuracy and completeness with respect to the matters described in paragraphs (2)(F) and (3) of such subsection; and

“(2) not later than 180 days after the date on which such report under subsection (a) is submitted, submit to the congressional defense committees a summary of each such review.”.

103. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRALEY OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 10 . REPORT ON LONG-TERM COSTS OF OPERATION NEW DAWN, OPERATION ENDURING FREEDOM, AND OTHER CONTINGENCY OPERATIONS.**

(a) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 67,000 in 2013, and 50,000 by the beginning of 2014, and remains at 50,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 60,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.—In preparing the report required by subsection (b), the President shall

make estimates and projections through at least fiscal year 2020, adjust any dollar amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq, Afghanistan, or Libya, including noncombat casualties, the total number of members expected to suffer injuries in Iraq, Afghanistan, and Libya, and the total number of members expected to be killed in Iraq, Afghanistan, and Libya, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Depart-

ment of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Current and future operational expenditures associated with Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn including—

- (A) funding for combat operations;
- (B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);
- (C) activation and deployment of members of the reserve components of the Armed Forces;
- (D) equipping and training of Iraqi and Afghani forces;
- (E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and
- (F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn—

- (A) the cost of mental health treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, and other mental problems as a result of such service; and
- (B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi

Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation New Dawn or Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

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104. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title X insert the following new section:

**SEC. 1069. FEDERAL MORTUARY AFFAIRS ADVISORY COMMISSION.**

(a) ESTABLISHMENT.—There is established a Federal Mortuary Affairs Advisory Commission.

(b) PURPOSE.—The purpose of the Commission shall be to advise the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on the best practices for casualty notification, family support, and mortuary affairs operations so as to ensure prompt notification and compassionate and responsive support for families who have lost servicemembers, and for the honorable and dignified disposition of the remains of fallen servicemembers.

(c) SCOPE.—Within the Department of Defense and the Department of Veterans Affairs, the Commission shall examine, on an ongoing basis, all matters that encompass the notification of family members on the death of a servicemember in said family; all family support programs, policies, and procedures designed to assist affected families; and all aspects of mortuary affairs operations, including the final disposition of fallen servicemembers.

(d) COMPOSITION.—

(1) MEMBERS.—The Commission shall consist of 13 members, appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the Minority Leader of the House of Representatives.

(D) One member appointed by the Majority Leader of the Senate.

(E) One member appointed by the Minority Leader of the Senate.

(F) One member appointed by the Chairman of the House Committee on Veterans Affairs.

(G) One member appointed by the Ranking Member of the House Committee on Veterans Affairs.

(H) One member appointed by the Chairman of the House Committee on Armed Services.

(I) One member appointed by the Ranking Member of the House Committee on Armed Services.

(J) One member appointed by the Chairman of the Senate Committee on Veterans Affairs.

(K) One member appointed by the Ranking Member of the Senate Committee on Veterans Affairs.

(L) One member appointed by the Chairman of the Senate Committee on Armed Services.

(M) One member appointed by the Chairman of the Senate Committee on Armed Services.

(2) TERM.—Each member shall serve a term of three years.

(3) MEETINGS AND QUORUM.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Seven members of the Commission shall constitute a quorum.

(4) CHAIRMAN AND VICE CHAIRMAN.—Upon convening for its first meeting, the Commission members shall elect by majority vote a chairman and vice chairman of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government.

(3) OTHER QUALIFICATIONS.—At least four individuals appointed to the Commission should include family members who have direct experience dealing with the loss of a servicemember that involved interactions with the Dover Port Mortuary. At least three individuals should have extensive private or public sector experience in mortuary science, operations, procedures, and decorum.

(f) DURATION.—The Commission shall have a 5 year duration, beginning after the last member of the Commission is appointed

(g) MEETINGS AND REPORTS.—The Commission shall hold regular public meetings, notification of which shall appear in the Federal Register and on the Commission's website. Not less than annually,

the Commission shall provide a written report to the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on—

- (1) recommendations for improving casualty notification, family support, and remains disposition; and
  - (2) progress, or lack thereof, by the Department of Defense and the Department of Veterans Affairs in acting upon prior recommendations of the Commission. Said report shall also be posted on the Commission's website for public inspection.
- (h) INFORMATION FROM FEDERAL AGENCIES.—
- (1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, Commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, Commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommission created by a majority of the Commission, or any member designated by a majority of the Commission.
  - (2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.
- (i) ASSISTANCE FROM FEDERAL AGENCIES.—
- (1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.
  - (2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.
- (j) STAFF OF COMMISSION.—
- (1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.
  - (2) PERSONNEL AS FEDERAL EMPLOYEES.—
    - (A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code,

for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

In the table of contents in section 2(b), insert after the item relating to section 1068 the following new item:

Sec. 1069. Federal mortuary affairs advisory commission.

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105. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARPER OF MISSISSIPPI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title X, add the following new section:

**SEC. 1078. REVIEW OF AIR NATIONAL GUARD COMPONENT NUMBERED AIR FORCE AUGMENTATION FORCE.**

(a) REVIEW.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a review of the decision of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include the following:

(A) An explanation of how the Secretary determined which Air National Guard Augmentation Units would be retired or relocated during fiscal year 2013.

(B) A description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations.

(C) The rationale for selecting Augmentation Units to be retired or relocated with respect to such Units of the Air National Guard.

(D) An explanation of how such consolidation or relocation affects national security.

(E) Details of the costs incurred, avoided, or saved with respect to consolidation or relocation of Augmentation Units.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review conducted under subsection (a)(1).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report.

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106. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 1084. REPORT ON DEFENSE FORENSIC DATA.**

(a) REQUIREMENT.—The Director of the Defense Forensic Office within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics may evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases. Among other items, the Defense Forensic Office may evaluate opportunities to assist other countries with moving forward with DNA database programs that require a defined category of criminal offender to submit DNA to a foreign country's national DNA database.

(b) REPORT.—The Defense Forensic Office shall submit to the congressional defense committees a report containing its findings and solutions no later than 120 days after the date of the enactment of this Act.

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107. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10\_\_ . COST OF WARS.**

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Web site of the Department of Defense the costs, including the relevant legacy costs, to each American taxpayer of each of the wars in Afghanistan and Iraq.

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108. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10 \_\_ . LIMITATION ON MILITARY MUSICAL UNITS.**

Amounts authorized to be appropriated pursuant to this Act for military musical units (as such term is defined in section 974 of title 10, United States Code) may not exceed \$200,000,000.

109. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MEEHAN OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10 \_\_ . REPORT ON DESIGNATION OF BOKO HARAM AS A FOREIGN TERRORIST ORGANIZATION.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees—

(A) a detailed report on whether the Nigerian organization named “People Committed to the Propagation of the Prophet’s Teachings and Jihad” (commonly known as “Boko Haram”), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Homeland Security, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

110. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title X of division A, add the following new section:

**SEC. 10 \_\_\_\_ . SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.**

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

(1) On June 1, 1992, Air Mobility Command was established as the Air Force’s functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the Air Force’s core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States’ hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since September 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation’s defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

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**111. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title X, add the following new section:

**SEC. 1084. REQUIREMENT FOR ATTORNEY GENERAL TO INVESTIGATE POSSIBLE VIOLATIONS OF FEDERAL LAW RELATED TO LEAKS OF SENSITIVE INFORMATION INVOLVING THE MILITARY, INTELLIGENCE, AND OPERATIONAL CAPABILITIES OF THE UNITED STATES AND ISRAEL.**

(a) **INVESTIGATION REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall initiate an investigation into possible violations of Federal law related to leaks of sensitive information involving the military, intelligence, and operational capabilities of the United States and Israel.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report describing the status and progress of the investigation required under subsection (a).

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112. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHARDSON OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10—. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.**

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its defense support to civil authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and

(C) its ability to respond to unforeseen events.

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113. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1084. DISPLAY OF STATE, DISTRICT OF COLUMBIA, AND TERRITORIAL FLAGS BY ARMED FORCES.**

Section 2249b of title 10, United States Code, is amended—

(1) by adding at the end the following new subsection:

“(c) DISPLAY OF DISTRICT OF COLUMBIA AND TERRITORIAL FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.”; and

(2) in the section heading, by striking the colon and all that follows.

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114. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THORNBERRY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 10 . DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES.**

(a) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—Section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows:

“GENERAL AUTHORIZATION

“SEC. 501. (a) The Secretary and the Broadcasting Board of Governors are authorized to use funds appropriated or otherwise made available for public diplomacy information programs to provide for the preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies, through press, publications, radio, motion pictures, the Internet, and other information media, including social media, and through information centers, instructors, and other direct or indirect means of communication.

“(b)(1) Except as provided in paragraph (2), the Secretary and the Broadcasting Board of Governors may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials prepared for dissemination abroad or disseminated abroad pursuant to this Act, the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), or the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). The Secretary and the Broadcasting Board of Governors shall issue necessary regulations—

“(A) to establish procedures to maintain such material;

“(B) for reimbursement of the reasonable costs incurred in fulfilling requests for such material; and

“(C) to ensure that the persons seeking release of such material have secured and paid for necessary United States rights and licenses.

“(2) With respect to material prepared for dissemination abroad or disseminated abroad before the effective date of the Smith-Mundt Modernization Act of 2012—

“(A) the Secretary and the Broadcasting Board of Governors shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material 12 years after the initial dissemination of the material abroad; and

“(B) the Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release in the United States have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release, in accordance with paragraph (3).

“(3) The Archivist may charge fees to recover the costs described in paragraph (2), in accordance with section 2116 (c) of title 44.

Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.

“(c) Nothing in this section may be construed to require the Secretary or the Broadcasting Board of Governors to make material disseminated abroad available in any format other than in the format disseminated abroad.”

(b) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to affect the allocation of funds appropriated or otherwise made specifically available for public diplomacy.

(c) **FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.**—Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) is amended to read as follows:

**“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF PROGRAM MATERIAL.**

“(a) **IN GENERAL.**—No funds authorized to be appropriated to the Department of State or the Broadcasting Board of Governors shall be used to influence public opinion in the United States. This section shall apply only to programs carried out pursuant to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). This section shall not prohibit or delay the Department of State or the Broadcasting Board of Governors from providing information about its operations, policies, programs, or program material, or making such available, to the media, public, or Congress, in accordance with other applicable law.

“(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the Department of State or the Broadcasting Board of Governors from engaging in any medium or form of communication, either directly or indirectly, because a United States domestic audience is or may be thereby exposed to program material, or based on a presumption of such exposure. Such material may be made available within the United States and disseminated, when appropriate, pursuant to sections 502 and 1005 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462 and 1437), except that nothing in this section may be construed to authorize the Department of State or the Broadcasting Board of Governors to disseminate within the United States any program material prepared for dissemination abroad on or before the effective date of the Smith-Mundt Modernization Act of 2012.

“(c) **APPLICATION.**—The provisions of this section shall apply only to the Department of State and the Broadcasting Board of Governors and to no other department or agency of the Federal Government.”

(d) **CONFORMING AMENDMENTS.**—The United States Information and Educational Exchange Act of 1948 is amended—

(1) in section 502 (22 U.S.C. 1462)—

(A) by inserting “and the Broadcasting Board of Governors” after “Secretary”; and

(B) by inserting “or the Broadcasting Board of Governors” after “Department”; and

(2) in section 1005 (22 U.S.C. 1437), by inserting “and the Broadcasting Board of Governors” after “Secretary” each place it appears.

(e) EFFECTIVE DATE.—This section shall take effect and apply on the date that is 180 days after the date of the enactment of this section.

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115. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THORNBERRY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section:

**SEC. 1084. IMPROVING ORGANIZATION FOR COMPUTER NETWORK OPERATIONS.**

(a) CHARTER.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a charter to establish an interagency body or organization to coordinate and deconflict full-spectrum military cyber operations for the Federal Government.

(b) ELEMENTS.—The charter required under subsection (a) shall include—

(1) business rules and processes for the functioning of the body or organization established by such charter;

(2) interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations;

(3) clarification and defined membership for such body or organization; and

(4) accommodation for documentation of the activities of such body or organization, including minutes and historical archives.

(c) REPORT.—Not later than 240 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report outlining the charter required under subsection (a), and plans to ensure the implementation of such charter.

(d) BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the congressional defense committees dedicated budget documentation materials to accompany future budget submissions, including a single Department of Defense-wide budget estimate and detailed budget planning data for full-spectrum military cyberspace operations (computer network defense, attack, and exploitation) in both unclassified and classified funding data.

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116. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following new section (and conform the table of contents accordingly):

**SEC. 1084. IMPROVING UNITED STATES FOREIGN POLICE ASSISTANCE ACTIVITIES.**

(a) FINAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the relevant congressional committees the final report from the National Secu-

riety Council's Interagency Policy Committee on Security Sector Assistance.

(b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of Defense and State shall jointly submit to the relevant congressional committees a plan to institute mechanisms to better coordinate, document, disseminate, and share information analysis and assessments regarding United States foreign police assistance activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “relevant congressional committees” means—

- (1) the Committee on Armed Services of the Senate and the House of Representatives;
- (2) the Committee on Oversight and Government Reform of the House of Representatives;
- (3) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (4) the Committee on Foreign Affairs of the House of Representatives; and
- (5) the Committee on Foreign Relations of the Senate.

117. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUAYLE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINTUES

At the end of title X, add the following new section:

**SEC. 10 . CONSOLIDATION OF DATA CENTERS.**

Section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by inserting after “April 1, 2012,” the following: “and each year thereafter,”; and

(B) by adding at the end the following new paragraph:

“(C) ADDITIONAL ELEMENT.—The performance plan required under this paragraph, with respect to plans submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, shall be consistent with the July 2011 Government Accountability Office report to Congress, entitled ‘Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings’ (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget”; and

(2) in subsection (d)(1), by adding at the end the following: “Beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, such report shall include progress updates on consolidation goals achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled ‘Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings’ (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget.”

118. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 542, line 6, strike “is committed to” and insert “is taking demonstrable steps to”.

119. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 559, line 7, strike “such time as” and insert “30 days after the date on which”.

120. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THORBERRY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

(a) IN GENERAL.—Section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

“(e) ADDITIONAL MATTERS TO BE INCLUDED ON AFGHANISTAN NATIONAL SECURITY FORCES.—In reporting on performance indicators and measures of progress required under subsection (d)(2)(D), the report required under subsection (a) shall assess the following:

“(1) For overall Afghanistan National Security Forces (ANSF):

“(A) Overall Afghan National Army (ANA) and Afghan National Police (ANP) literacy rate; ANA and ANP literacy rate by region; ANSF literacy rate by Kandak, Brigade, and Corps; trends over time; and how literacy improvements have enhanced associated mission essential competencies and professionalization of the ANSF.

“(B) An assessment of the ANA and the ANP interaction with the Afghan civilian population, respect for human rights, and associated professional education.

“(C) By fiscal year (current and one-year projected) budget requirements.

“(D) A by-country outline of contributions for the current fiscal year and one-year projected fiscal year.

“(E) By-Kandak Mission Essential Task List proficiency.

“(2) For recruitment:

“(A) Outline of screening criteria.

“(B) Literacy rate of all recruits.

“(C) Outline of the security vetting procedures.

“(D) Percentage screened that are not eligible to serve.

- “(E) Percentage screened that report for entry level training.
  - “(F) Percentage attained of the required ANA end strength, of the ANP end strength, and overall ANSF end strength.
  - “(G) Trends in each above mentioned category from the prior fiscal year through the current report deadline.
- “(3) For entry-level training:
- “(A) Percentage that entered and successfully complete training.
  - “(B) A by-specialty list of all recruits that fail to graduate entry level training for the ANA and ANP.
  - “(C) Percentage of recruits that become unaccounted (UA) for or are ‘Absent Without Leave’ (AWOL) during training.
  - “(D) Trends in each above mentioned category from the prior fiscal year through the current report deadline.
- “(4) For personnel administration:
- “(A) Percentage of the ANSF that was paid on time.
  - “(B) UA/AWOL rate by Kandak, Brigade, and Corps.
  - “(C) Trends in each above mentioned category from the prior fiscal year through the current report deadline.
- “(5) For professionalization of the ANSF:
- “(A) Percentage of noncommissioned officer corps personnel as compared to noncommissioned officer corps end-strength requirements.
  - “(B) Number of enlisted, noncommissioned officer corps, and officers that complete continuing education.
  - “(C) An assessment of the noncommissioned officer corps continuing education program.
- “(6) For retention:
- “(A) On average time ANA and ANP personnel remain in their respective units.
  - “(B) By-fiscal year, by-Kandak percentage of personnel retained and personnel attrition from the prior fiscal year through the current report deadline.
- “(7) For logistics:
- “(A) On average percentage shortfall, by Kandak, of Class I-IX supplies, which includes Class I - Food, rations, and water; Class II – Clothing; Class III - Petroleum, oils, and lubricants; Class IV - Fortification and barrier materials; Class V – Ammunition; Class VII - Major End Items; Class VIII - Medical supplies; and Class IX - Repair Parts.
  - “(B) On average number of days to fill supply requests to address operational shortfalls.
  - “(C) Operational readiness rate for all mission essential equipment by Kandak, Brigade, and Corps.
- “(8) For transition:
- “(A) Provide the framework that ISAF, in conjunction with the Afghan government, uses to synthesize ANSF performance metrics and adjudicate transition of ANSF units through proficiency levels.
  - “(B) A by-Kandak analysis of the on average time to transition between proficiency levels since inception of the ANSF transition.

“(C) A by-region overview of the force structure mix that is correlated with the evolution of threat picture in the region.”.

(b) **EFFECTIVE DATE.**—The amendments made this section apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) on or after the date of the enactment of this Act.

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121. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON USE OF FUNDS UNDER THE PAKISTAN COUNTERINSURGENCY FUND.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act for the Pakistan Counterinsurgency Fund may be used to provide assistance to the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter improvised explosive devices (IEDs), including—

- (1) attacking IED networks;
- (2) monitoring known precursors used in IEDs; and
- (3) developing a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) **WAIVER.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

(c) **DEFINITION.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees; and
- (2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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122. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONAWAY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of the bill, insert the following:

**SEC. 12xx. ENHANCING THE DEFENSE OF ISRAEL AND UNITED STATES INTERESTS IN THE MIDDLE EAST.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should take the following actions to assist in the defense of Israel:

(1) Provide Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend the urgent threat posed to Israel and United States forces in the region.

(2) Provide Israel defense articles, intelligence, and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(3) Allocate additional weaponry and munitions for the forward-deployed United States stockpile in Israel.

(4) Provide Israel additional surplus defense articles and defense services, as appropriate, in the wake of the withdrawal of United States forces from Iraq.

(5) Offer the Israeli Air Force additional training and exercise opportunities in the United States to compensate for Israel's limited air space.

(6) Expand Israel's authority to make purchases under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing" program) on a commercial basis.

(7) Seek to enhance the capabilities of the United States and Israel to address emerging common threats, increase security cooperation, and expand joint military exercises.

(8) Encourage an expanded role for Israel within the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Support extension of the long-standing loan guarantee program for Israel, recognizing Israel's unbroken record of repaying its loans on time and in full.

(10) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

(b) REPORT ON ISRAEL'S QUALITATIVE MILITARY EDGE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States—

(A) to help Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation; and

(B) to encourage further development of advanced technology programs between the United States and Israel in light of current trends and instability in the region.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the status of Israel's qualitative military edge in light of current trends and instability in the region.

(c) REPORT ON OTHER MATTERS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on each of the following:

(1) Taking into account Israel's urgent requirement for F-35 aircraft, actions to improve the process relating to Israel's purchase of F-35 aircraft to improve cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland defense, counter-terrorism, maritime security, cybersecurity, and other appropriate areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

**SEC. 12xx. PLAN TO ENHANCE MILITARY CAPABILITIES OF PERSIAN GULF ALLIES.**

(a) **PLAN.**—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to enhance the military capabilities of Persian Gulf allies to bolster the posture of such allies in relation to Iran.

(b) **MATTERS TO BE INCLUDED.**—The plan required under subsection (a) shall include the following:

(1) A description of the means to augment the offensive strike capabilities of key Gulf Cooperation Council allies, including the potential sale or upgrades of strike attack aircraft and bunker buster munitions, to augment the viability of a credible military option and to strengthen such allies' self-defense capabilities against retaliation or military aggression by Iran.

(2) A needs-based assessment, or an update to an existing needs-based assessment, of the military requirements of Persian Gulf allies to support a credible military option and to defend against potential military aggression by Iran.

(3) A detailed summary of any arms sales and training requests by Persian Gulf allies and a description and justification for United States actions taken.

(c) **RULE OF CONSTRUCTION.**—Nothing in the plan required under subsection (a) shall be construed to alter Israel's qualitative military edge.

(d) **SUBMISSION TO CONGRESS.**—The plan required under subsection (a) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

(e) **FORM.**—The plan required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

**SEC. 12xx. PLAN TO INCREASE STRATEGIC REGIONAL PARTNERSHIPS.**

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

(1) The United States should ensure that it has the broadest set of geographic approaches to militarily access Iran.

(2) United States Armed Forces and support staff currently have access from the eastern, southern, and western borders of Iran.

(3) Azerbaijan borders the northern frontier of Iran closest to nuclear sites near Tehran and the Government of Azerbaijan cooperates with the United States on Caspian Sea security and energy issues.

(b) **POLICY.**—It shall be the policy of the United States to—

(1) increase pressure on Iran by providing United States Armed Forces with the broadest set of geographic approaches to militarily access Iran; and

(2) explore means to enhance access to military facilities on the northern border of Iran.

(c) **PLAN.**—

(1) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to increase the strategic partnership with regional allies to provide United

States Armed Forces with the broadest set of geographic approaches to militarily access Iran.

(2) **MATTERS TO BE INCLUDED.**—The plan required under paragraph (1) shall include the following information:

(A) Mechanisms to broaden the geographical approaches to militarily access Iran.

(B) The need, if any, to strengthen the self-defense capabilities of regional allies as a result of such partnerships.

(C) The viability of increasing access for United States Armed Forces to bases in Azerbaijan to augment the viability of a credible military option.

(3) **SUBMISSION TO CONGRESS.**—The plan required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

**SEC. 12xx. DEFINITIONS.**

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) **QUALITATIVE MILITARY EDGE.**—The term “qualitative military edge” has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).

123. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. RULE OF CONSTRUCTION.**

Nothing in this Act shall be construed as authorizing the use of force against Iran.

124. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. REQUIREMENT TO SUBMIT TO CONGRESS A PLAN FOR A FOREIGN INFRASTRUCTURE PROJECT USING FUNDS MADE AVAILABLE FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **PLAN REQUIRED.**—Not later than 60 days prior to the commencement of a covered infrastructure project, the head of the Federal department or agency with primary responsibility for carrying out the project shall submit to Congress a plan to carry out and sustain the project.

(b) **MATTERS TO BE INCLUDED.**—The plan shall include a description of the following:

(1) The total amount of funds to be obligated and expended under the project, including the total amount of funds to be contributed from other sources.

(2) How the project will be maintained after its completion, who will be responsible for maintaining the project, and who will contribute funds for maintaining the project.

(3) How the project will be protected after its completion.

(c) **COVERED INFRASTRUCTURE PROJECT.**—In this section, the term “covered infrastructure project” or “project” means a project to improve the infrastructure of a foreign country under which the United States contributes not less than \$1,000,000 from funds made available for overseas contingency operations.

(d) **EFFECTIVE DATE.**—This section takes effect on the date of the enactment of this Act and applies with respect covered infrastructure projects commenced on or after 60 days after such date of enactment.

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125. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUNCAN OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.**

None of the funds authorized to be appropriated by this Act may be made available for United States participation in joint military exercises with Egypt if the Government of Egypt terminates or withdraws from the 1979 Israeli-Egypt peace treaty.

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126. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII of division A of the bill, add the following:

**Subtitle E—Authority To Remove Satellites and Related Components and Technology From the United States Munitions List**

**SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY FROM THE UNITED STATES MUNITIONS LIST.**

(a) **AUTHORITY.**—Subject to subsection (b), the President is authorized to remove commercial satellites and related components and technology from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **DETERMINATION.**—The President may exercise the authority provided in subsection (a) only if the President submits to the ap-

appropriate congressional committees a determination that the transfer of commercial satellites and related components and technology from the United States Munitions List does not pose an unacceptable risk to the national security of the United States. Such determination shall include a description of the risk-mitigating controls, procedures, and safeguards the President will put in place to reduce such risk to an absolute minimum.

(c) PROHIBITION.—No license or other authorization for export shall be granted for the transfer, retransfer, or reexport of any commercial satellite or related component or technology contained on the Commerce Control List to any person or entity of the following:

- (1) The People's Republic of China.
- (2) Cuba.
- (3) Iran.
- (4) North Korea.
- (5) Sudan.
- (6) Syria.
- (7) Any other country with respect to which the United States would deny the application for licenses and other approvals for exports and imports of defense articles under section 126.1 of the International Traffic in Arms Regulations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire commercial satellites and related components and technology.

(2) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

**SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY CONTAINED ON THE COMMERCE CONTROL LIST.**

(a) IN GENERAL.—Not later than 60 days after the end of each calendar quarter, the President shall transmit to the Committee on Banking, Finance, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a listing of all licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.

(b) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.**

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the last sentence and inserting

the following: “Such notice shall include, to the extent practicable, an enumeration of the item or items to be removed and describe the nature of any controls to be imposed on the item or items under any other provision of law.”

**SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF MUNITIONS AND RELATED TECHNICAL DATA.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Attorney General and Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains an assessment of the extent to which the terms and conditions of an exemption for foreign countries from the licensing requirements of the Commerce Munitions List (or analogous controls for commercial satellites and related components and technology) contain strong safeguards.

(b) **MATTERS TO BE INCLUDED.**—The report shall include a compilation of sufficient documentation relating to the export of munitions, commercial spacecraft, and related technical data to facilitate law enforcement efforts to effectively detect, investigate, deter, and enforce criminal violations of any provision of the Export Administration Regulations, including efforts on the part of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire such controlled United States technology.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

**SEC. 1245. END-USE MONITORING OF MUNITIONS AND RELATED TECHNICAL DATA.**

(a) **ESTABLISHMENT OF MONITORING PROGRAM.**—In order to ensure accountability with respect to the export of munitions and related technical data on the Commerce Munitions List, the President shall establish a program to provide for the end-use monitoring of such munitions and related technical data.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the program established under subsection (a).

**SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF CATEGORY XV OF THE UNITED STATES MUNITIONS LIST.**

(a) **INTERAGENCY REVIEW.**—Subject to the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), the President shall ensure that, through interagency procedures or regulations, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and as appropriate the Director of National Intelligence concur on all subsequent modifications to Category XV of the United States Munitions List (relating to spacecraft systems and associated equipment).

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President

shall submit to the appropriate congressional committees a report on the results of the interagency reviews required by subsection (a).

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include the following matters:

(A) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(B) An assessment of the national security risks of removing certain space and space-related technologies identified under subparagraph (A) from the United States Munitions List.

(C) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(D) Recommendations for—

(i) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security review required under subsection (a);

(ii) the safeguards and verifications necessary to—

(I) prevent the proliferation and diversion of such space and space-related technologies;

(II) confirm appropriate end use and end users; and

(III) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that could pose a threat to the security of the United States; and

(iii) improvements to the space export control policy and processes of the United States that do not adversely affect United States national security.

(E) A description of and recommendations regarding how the United States industrial base and United States national security could be enhanced and strengthened through reforms to and amendments of export control laws and regulations.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

#### **SEC. 1247. DEFINITIONS.**

In this subtitle:

(1) **COMMERCE MUNITIONS LIST.**—The term “Commerce Munitions List” means items transferred from the United States Munitions List to the Commerce Control List and designated as “600 series” items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau

of Industry and Security of the Department of Commerce on July 15, 2011 (76 Fed. Reg. 41958), or any successor regulations.

(2) **COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY.**—The term “commercial satellites and related components and technology” means—

(A) communications satellites that do not contain classified components, including remote sensing satellites with performance parameters below thresholds identified on the United States Munitions List; and

(B) systems, subsystems, parts, and components associated with such satellites and with performance parameters below thresholds specified for items that would remain on the United States Munitions List.

(3) **EXPORT ADMINISTRATION REGULATIONS.**—The term “Export Administration Regulations” means the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or any successor regulations.

(4) **STATE SPONSOR OF TERRORISM.**—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

(5) **UNITED STATES MUNITIONS LIST.**—The term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

127. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XV, add the following new section:

**SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.**

Amounts appropriated to the Overseas Contingency Operations Transfer Fund pursuant to the authorizations of appropriations contained in this title and available for use or transfer to cover expenses directly relating to overseas contingency operations by the United States Armed Forces may be used only for an item or activity specified in the overseas contingency operations portion of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for fiscal year 2013.

128. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1531, relating to the Joint Improvised Explosive Device Defeat Fund, add at the end the following new subsection:

(c) **ADDITIONAL AUTHORIZED USE OF FUNDS IN JIEDDF.**—Funds in the Joint Improvised Explosive Device Defeat Fund shall be available, with the concurrence of the Secretary of State, for the

purpose of monitoring, disrupting, and interdicting the movement of explosive device precursors from a country that borders Afghanistan to a location within Afghanistan. For a country in which the actions and activities described in the preceding sentence are carried out, such funds may, with the concurrence of the Secretary of State, also be used to train and equip the security forces of that country that support missions to monitor, disrupt, and interdict the movement of explosive device precursors into Afghanistan.

129. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRAEDER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 723, insert after line 2 the following (and redesignate provisions accordingly):

**PART IX—EARLY STAGE SMALL BUSINESS  
CONTRACTING**

**SEC. 1693a. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO EARLY STAGE SMALL BUSINESSES.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following:

**“SEC. 46. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO EARLY STAGE SMALL BUSINESSES.**

“(a) ESTABLISHMENT.—The Administrator shall establish and carry out a program in accordance with the requirements of this section to provide improved access to Federal contract opportunities for early stage small business concerns.

“(b) PROCUREMENT CONTRACTS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Administrator, in consultation with other Federal agencies, shall identify procurement contracts of Federal agencies for award under the program.

“(2) CONTRACT AWARDS.—Under the program established pursuant to this section, the award of a procurement contract of a Federal agency identified by the Administrator pursuant to paragraph (1) shall be made by the agency to an eligible program participant selected, and determined to be responsible, by the agency.

“(3) COMPETITION.—

“(A) SOLE SOURCE.—A contracting officer may award a sole source contract under this program if such concern is determined to be a responsible contractor with respect to performance of such contract opportunity and the contracting officer does not have a reasonable expectation that 2 or more early stage small business concerns will submit offers for the contracting opportunity and in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

“(B) RESTRICTED COMPETITION.—A contracting officer may award contracts on the basis of competition restricted to early stage small business concerns if the contracting officer has a reasonable expectation that not less than 2

early stage small business concerns will submit offers and that the award can be made at a fair market price.

“(4) CONTRACT VALUE.—Contracts shall be awarded under this program if its value is greater than \$3,000 and less than half the upper threshold of section 15(j)(1) of the Small Business Act.

“(c) ELIGIBILITY.—Only an early stage small business concern shall be eligible to compete for a contract to be awarded under the program. The Administrator shall certify that a small business concern is an early stage small business concern, or the Administrator shall approve a Federal agency, a State government, or a national certifying entity to certify that the business meets the eligibility criteria of an early stage small business concern.

“(d) TECHNICAL ASSISTANCE.—The Administrator shall provide early stage small business concerns with technical assistance and counseling with regard to—

“(1) applying for and competing for Federal contracts; and

“(2) fulfilling the administrative responsibilities associated with the performance of a Federal contract.

“(e) ATTAINMENT OF CONTRACT GOALS.—All contract awards made under the program shall be counted toward the attainment of the goals specified in section 15(g) of the Small Business Act.

“(f) REGULATIONS.—The Administrator shall—

“(1) issue proposed regulations to carry out this section not later than 180 days after the date of enactment of this Act; and

“(2) issue final regulations to carry out this section not later than 270 days after the date of enactment of this Act.

“(g) REPORT TO CONGRESS.—Not later than April 30, 2015, the Administrator shall transmit to the Congress a report on the performance of the program.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) PROGRAM.—The term ‘program’ means a program established pursuant to subsection (a).

“(2) EARLY STAGE SMALL BUSINESS CONCERN.—The term ‘early stage small business concern’ means a small business concern that—

“(A) has not more than 15 employees; and

“(B) has average annual receipts that total not more than \$1,000,000, except if the concern is in an industry with an average annual revenue standard that is less than \$1,000,000, as defined by the North American Industry Classification System.”.

(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is repealed.

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130. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 725, after line 6, insert the following (and conform the table of contents):

**SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES REQUIRED BEFORE CONVERSION OF CERTAIN FUNCTIONS TO CONTRACTOR PERFORMANCE.**

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an assessment to determine if the Department of Defense has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

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131. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FITZPATRICK OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 725, insert after line 6 the following:

**SEC. 1696. LIMITATION ON CONTRACTING.**

No agency may enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2))).

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132. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANKFORD OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of division A, add the following new title:

**TITLE XVII—END TRAFFICKING IN GOVERNMENT CONTRACTING**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “End Trafficking in Government Contracting Act of 2012”.

**SEC. 1702. DEFINITIONS.**

In this title:

(1) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) SUBCONTRACTOR.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(3) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(4) **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. 1703. CONTRACTING REQUIREMENTS.**

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 1705(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:

“(1) Destroying, concealing, removing, or confiscating an employee’s immigration documents without the employee’s consent.

“(2) Failing to repatriate an employee upon the end of employment, unless—

“(A) exempted from the duty to repatriate the employee by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(B) 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.

“(3) 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.

“(4) Charging recruited employees exorbitant placement 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.

“(5) Providing inhumane living conditions.”.

**SEC. 1704. 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 valued at \$1,000,000 or more if performance will substantially be conducted overseas, 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 1703, 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) **PERFORMANCE SUBSTANTIALLY OVERSEAS.**—For purposes of subsection (a), a grant, contract, or cooperative agreement shall be considered to be performed substantially overseas 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.

**SEC. 1705. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **INVESTIGATION.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible evidence 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 1703, including a report from a contracting officer representative, an inspector general, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall, before exercising any option to renew such grant, contract, or cooperative agreement, request that the agency's Office of Inspector General immediately initiate an investigation of the allegation or allegations contained in the report. If the agency's Office of Inspector General is unable to conduct a timely investigation, the suspension and debarment office or another investigative unit of the agency shall conduct the investigation.

(b) **REPORT.**—Upon completion of an investigation under subsection (a), the office or unit that conducted the investigation shall submit to the contracting or grant officer and, if such investigation was not conducted by the agency's Office of Inspector General, to the agency's Office of Inspector General, a report on the investigation, including conclusions about whether credible evidence exists that the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking

Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If a contracting or grant official determines that a recipient of a grant, contract, or cooperative agreement, or any subcontractor or subgrantee of the recipient, has engaged in any of the activities described in such section 106(g), the contracting or grant officer shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(H) Referring the matter to the Department of Justice for prosecution under any applicable law.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the contracting or grant official may consider whether the contractor or grantee had a plan in place under section 1704, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—The contracting or grant officer shall ensure that relevant findings contained in the report under subsection (b) are included in the Federal Awardee Performance and Integrity Information System (FAPIIS). These findings shall be considered relevant past performance data for the purpose of awarding future contracts, grants, or cooperative agreements.

**SEC. 1706. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible evidence that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protec-

tion Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

**SEC. 1707. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.**

Section 1351 of title 18, United States Code, is amended—

(1) BY STRIKING “WHOEVER KNOWINGLY” AND INSERTING “(A) WORK INSIDE THE UNITED STATES.—Whoever knowingly

(2) by adding at the end the following new subsection:

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of work performed on a United States Government contract performed outside the United States, or on a United States military installation or mission or other property or premises owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

**SEC. 1708. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (iii), by inserting “and” at the end after the semicolon; and

(2) by adding at the end the following new clause:

“(iv) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

**SEC. 1709. RULE OF CONSTRUCTION.**

Excluding section 1707, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1703.

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**133. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle B of title XXVII, add the following new section (and make such conforming changes to the table of contents in section 2(b) as may be necessary):

**SEC. 2714. NOTIFICATION OF PERMANENT REDUCTION OF SIZABLE NUMBER OF MEMBERS OF THE ARMED FORCES.**

Subsection (b) of section 993 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) the Secretary of Defense or the Secretary of the military department concerned notifies the Committee on Armed Serv-

ices of the Senate and the Committee on Armed Services of the House of Representatives, as part of an annual request for authorization of appropriations to such Committees, of the proposed reduction and the number of personnel assignments affected and submits with the notification an evaluation of the fiscal, local economic, budgetary, environmental, strategic, and operational consequences of such closure or realignment; and

“(2) a period of 30 legislative days or 60 calendar days, whichever is longer, expires following the day on which the notice and evaluation referred to in paragraphs (1) and (2) have been submitted to such committees.”.

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134. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DOGGETT OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVII, add the following new section:

**SEC. 27 \_\_\_\_ . CONSIDERATION OF UNITED STATES MILITARY BASES LOCATED OVERSEAS IN CRITERIA USED TO CONSIDER AND RECOMMEND MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.**

Section 2687(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking “and” at the end of clause (i); and

(2) by adding at the end the following new clause:

“(iii) the anticipated continuing need for and availability of military bases outside the United States, taking into account current restrictions on the use of military bases outside the United States and the potential for future prohibitions or restrictions on the use of such bases; and”.

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135. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRITZ OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVIII, add the following new section:

**SEC. 28 \_\_\_\_ . RETENTION OF CORE FUNCTIONS OF THE AIR TRAFFIC CONTROL STATION, JOHNSTOWN AIR NATIONAL GUARD BASE, PENNSYLVANIA.**

The Secretary of the Air Force shall retain the core functions of the Air Traffic Control Station at Johnstown Air National Guard Base, Pennsylvania, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

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136. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVIII, add the following new section:

**SEC. 9 \_\_\_\_ . 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) and (2) 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) **TIME AND FORM OF SUBMISSION OF NOTICE.**—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) **TIME AND FORM OF SUBMISSION OF NOTICE.**—The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.”.

(d) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(e) **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).”.

137. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TSONGAS OF MASSACHUSETTS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVIII, add the following new section:

**SEC. 28 \_\_\_\_ . MASSACHUSETTS INSTITUTE OF TECHNOLOGY—LINCOLN LABORATORY IMPROVEMENT PROJECT.**

(a) **IMPROVEMENT AND MODERNIZATION PROJECT.**—The Secretary of the Air Force may enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project may include modifications and additions to research laboratories, office spaces, and supporting facilities necessary to carry out the mission of the Lincoln Laboratory as a Federally Funded Research and Development Center (in this section referred to as “FFRDC”). Supporting facilities under the project may include infrastructure for utilities.

(b) **USE OF FACILITIES.**—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by the FFRDC Sponsoring Agreement and FFRDC contract between the Department of Defense and the Massachusetts Institute of Technology.

(c) **RULE OF CONSTRUCTION REGARDING CONSTRUCTION AUTHORITY.**—Nothing in this section shall be construed to authorize the Secretary of the Air Force to carry out a construction project at Hanscom Air Force Base, Massachusetts, unless such project is otherwise authorized by law.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in the FFRDC Sponsoring Agreement and the FFRDC contract as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

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138. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXXI, add the following:

**SEC. 3146. STUDY ON A MULTI-AGENCY GOVERNANCE MODEL FOR NATIONAL SECURITY LABORATORIES.**

(a) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall commission an independent assessment regarding the transition of the national security laboratories to multi-agency federally funded research and development centers with direct sustainment and sponsorship by multiple national security agencies. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security science and engineering laboratories and with ready access to policy experts throughout the United States.

(2) **BACKGROUND MATERIAL.**—The assessment shall leverage previous studies, including—

(A) the report published in 2009 by the Stimson Center titled “Leveraging Science for Security: A Strategy for the Nuclear Weapons Laboratories in the 21st Century”; and

(B) the Phase 1 report published in 2012 by the National Academy of Sciences titled “Managing for High-Quality Science and Engineering at the NNSA National Security laboratories”.

(3) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of a new governance structure that—

(i) gives multiple national security agencies, including the Department of Defense, the Department of Homeland Security, the Department of Energy, and the intelligence community, direct sponsorship of the national security laboratories as federally funded research and development centers so that such agencies have more direct and rapid access to the assets available at the laboratories and the responsibility to provide sustainable support for the science and technology needs of the agencies at the laboratories;

(ii) reduces costs to the Federal Government for the use of the resources of the laboratories, while enhancing the stewardship of these national resources and maximizing their service to the nation;

(iii) enhances the overall quality of the scientific research and engineering capability of the laboratories, including their ability to recruit and retain top scientists and engineers; and

(iv) maintains as paramount the capabilities required to support the nuclear stockpile stewardship and related nuclear missions.

(B) A recommendation as to which, if any, other laboratories associated with any national security agency should be included in the new governance structure.

(C) Options for implementing the new governance structure that minimize disruption of performance and costs to the government while rapidly achieving anticipated gains.

(D) Legislative changes and executive actions that would need to be made in order to implement the new governance structure.

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2014, the designated private entity shall submit to the Administrator and the congressional defense committees a report that contains the findings of the assessment.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITION.—In this section, the term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

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139. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANDRY  
OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 3503.

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140. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUM-  
MINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MIN-  
UTES

At the end of title XXXV add the following:

**SEC. 35 . IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED  
UNITED STATES FLAG CAPACITY TO MEET NATIONAL DE-  
FENSE REQUIREMENTS.**

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46,  
United States Code, is amended—

(1) by inserting “(1)” before “When the head”; and

(2) by adding at the end the following:

“(2) The Administrator of the Maritime Administration shall—

“(A) in each determination referred to in paragraph (1), iden-  
tify any actions that could be taken to enable qualified United  
States flag capacity to meet national defense requirements;

“(B) provide each such determination to the Secretary of  
Transportation and the head of the agency referred to in para-  
graph (1) for which the determination is made; and

“(C) publish each such determination on the Internet site of  
the Department of Transportation within 48 hours after it is  
provided to the Secretary of Transportation.

“(3)(A) The Secretary of Transportation, in consultation with the  
Secretary of Homeland Security, shall notify the Committees on  
Appropriations, Transportation and Infrastructure, and Armed  
Services of the House of Representatives and the Committees on  
Appropriations, Commerce, Science, and Transportation, and  
Armed Services of the Senate—

“(i) of any request for a waiver of the navigation or vessel-  
inspection laws under this section not later than 48 hours after  
receiving the request; and

“(ii) of the issuance of any waiver of compliance of such a law  
not later than 48 hours after such issuance.

“(B) The Secretary shall include in each notification under sub-  
paragraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in subparagraph (A) are  
not feasible.”.

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141. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG  
OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXV, add the following new section:

**SEC. 35 . DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS  
STUDY AND COMPTROLLER GENERAL STUDIES AND RE-  
PORTS ON STRATEGIC PORTS.**

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is  
the sense of Congress that the Secretary of Defense should expedite  
completion of the study of strategic ports in the United States

called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112–329) so that it can be submitted to Congress before September 30, 2012.

(b) **SUBMISSION OF REPORT TO COMPTROLLER GENERAL.**—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States for consideration under subsection (c).

(c) **COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.**—

(1) **COMPTROLLER GENERAL REVIEW.**—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the congressional defense committees a report of such assessment.

(2) **COMPTROLLER GENERAL STUDY AND REPORT.**—Not later than 270 days after the enactment of this Act, the Comptroller General of the United States shall conduct a study of the Department of Defense’s programs and efforts related to the state of strategic ports with respect to the Department’s operational and readiness requirements, and report to the congressional defense committees on the findings of such study. The report should include an assessment of—

(A) the extent to which the facilities at strategic ports meet the Department of Defense’s requirements;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the Department’s ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) **STRATEGIC SEAPORT DEFINED.**—In this section, the term “strategic port” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.