

to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1372. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1373. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1374. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1375. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1376. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1377. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNETT, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1378. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNETT, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1379. Mrs. BOXER (for herself and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1380. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1381. Mr. DURBIN submitted an amendment intended to be proposed by him to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1382. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1384. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1385. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1386. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1387. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1388. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1389. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1390. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1391. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1392. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1393. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1394. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1395. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1396. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1397. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1398. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1399. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1400. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1401. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1402. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1403. Mrs. BOXER submitted an amendment intended to be proposed by her to the

bill S. 1867, supra; which was ordered to lie on the table.

SA 1404. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1405. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1406. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1407. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1408. Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1409. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1410. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1411. Mr. BLUNT (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1412. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1413. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1414. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. KIRK)) proposed an amendment to the bill S. 1867, supra.

SA 1415. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1416. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1417. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1344.** Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### **SEC. 1088. DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.**

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

(1) In a September 28, 2011, press briefing White House Press Secretary Jay Carney stated that “[w]e have said unequivocally that the Haqqani network was responsible

for the recent attack on the U.S. embassy in Kabul and on ISAF headquarters in Kabul. And the fact that they are able to operate in Afghanistan because they have a safe haven in Pakistan is a matter of great concern. And we have urged our counterparts in Pakistan to take action and raise with them the importance of doing so”.

(2) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(3) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan that led to a spike in frustrations being expressed by top United States and Afghanistan officials. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. But it was a September 13 attack on the United States Embassy compound in Kabul that appears to have substantively changed the nature of relations between the United States and Pakistan. The well-planned, well-executed assault sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(4) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network. Days after the raid, Admiral Mullen called on General Kayani to again press for Pakistani military action against Haqqani bases. Apparently unsatisfied with his counterpart’s response, Mullen returned to Washington, DC, and began ramping up rhetorical pressure to previously unseen levels, accusing the ISI of using the Haqqanis to conduct a “proxy war” in Afghanistan. Meanwhile, Secretary Panetta issued what was taken by many to be an ultimatum to Pakistan when he told reporters that the United States would “take whatever steps are necessary to protect our forces” in Afghanistan from future attacks by the Haqqanis.

(5) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Admiral Mullen stated that “[t]he Haqqani network, for one, acts as a veritable arm of Pakistan’s Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(6) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “with respect to the Haqqani Network, it illustrates this point. There was a major military operation that was held in Afghanistan just in the past week that rounded up and eliminated more than 100 Haqqani Network operatives. And we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis’ to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage”.

(7) At the same hearing, Secretary of State Clinton further stated that “[w]ell, Congressman, I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans”.

(8) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police,” the designation continued. In June 2011, “Mali Khan’s deputy provided support to the suicide bombers responsible for the attacks on the Intercontinental Hotel in Kabul, Afghanistan. The attack resulted in the death of 12 people”. Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, has also been quoted in several media outlets as stating Khan also has links to al-Qaeda.

(9) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Department of State as a terrorist in March 2008, and in March 2009, the Department of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadrani.

(10) The Haqqani Network meets the criteria for designation as a foreign terrorist organization in that it is a foreign organization, it engages in and retains the capability and intent to engage in terrorism, and it threatens the security of United States nationals and the national defense, foreign relations, and economic interests of the United States.

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall designate the Haqqani Network as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the requirement in paragraph (1) if the President submits to the appropriate committees of Congress a certification in writing that—

(A) the Haqqani Network does not threaten the security of United States nationals and the national defense, foreign relations, and economic interests of the United States; and

(B) the waiver is in the national security interests of the United States.

(3) JUSTIFICATION.—The certification submitted under paragraph (2) shall include a written justification for the waiver covered by the certification.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” 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.

**SA 1345.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 547. DISCLOSURE REQUIREMENTS FOR POSTSECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE EDUCATION ASSISTANCE PROGRAMS.**

(a) IN GENERAL.—

(1) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education, prescribe in regulations requirements that postsecondary educational institutions that participate in Department of Defense education assistance programs, as a condition of such participation, to disclose, provide, and make publically available to students certain information about their programs prior to enrollment.

(2) COMMENCEMENT OF COMPLIANCE.—Postsecondary institutions shall commence compliance with the regulations required by this section on such date, not later than 180 days after the date of the issuance of the regulations, as the Secretary of Defense shall specify in the regulations.

(b) ELEMENTS.—The disclosure required under subsection (a) shall include, for each Department of Defense education assistance program offered by a postsecondary institution, the following:

(1) The type of the postsecondary institution (whether public, private non-profit, private for-profit, 4-year, 2-year, or less than 2-year, as applicable).

(2) The disclosure by the postsecondary institution of the following with respect to such program:

(A) Tuition costs.

(B) Applicable fees.

(C) Estimated costs for books and supplies.

(D) Normal time to completion of the program.

(E) Average time to completion of the program.

(F) Percentage of graduates completing the program in normal time.

(G) Median Federal loan debt incurred by students who completed the program.

(H) Median private loan debt incurred by students who completed the program.

(I) Median institutional loan debt incurred by students who completed the program.

(J) The current accreditation status of the program, including the following:

(i) The most recent date of accreditation of the program.

(ii) Whether accreditation of the program is regional or national.

(iii) If the program is not currently accredited, whether such accreditation is missing, pending, or rescinded.

(K) The level of award offered through the program (whether certificate, associate’s degree, bachelor’s degree, advanced degree, or other).

(3) The disclosure of such other matters with respect to such program as the Secretary of Defense considers appropriate, including—

(A) transferability of credits;

(B) qualification for relevant examination, certification, or license required as a pre-condition for employment in the occupation for which the program is represented to prepare the student;

(C) job placement rates, if appropriate, for individuals who undertook the program;

(D) rates of default on Federal student loans for individuals who enrolled in the program; and

(E) comparative data with nearby postsecondary institutions of similar type, student body, and offered programs, if applicable.

(c) DEPARTMENT OF DEFENSE EDUCATION ASSISTANCE PROGRAMS.—For purposes of this section, Department of Defense education assistance programs are the programs as follows:

- (1) The Tuition Assistance (TA) program.
- (2) The Military Spouse Career Advancement Account (MyCAA) program.

(d) OTHER DEFINITIONS.—In this section:

(1) The term “normal time to completion” means the estimated time the institution determines it should take a full-time student to complete the specified program.

(2) The term “average time to completion” means the actual average time it has taken previous students (full-time and part-time) to complete the specified program.

**SA 1346.** Mr. VITTER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. SENSE OF SENATE ON THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NAVY SEALs.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Navy SEALs were established by President John F. Kennedy in January 1962.

(2) The Navy SEALs, as members of the United States Special Operations Command, are able to operate effectively in sea and air and on land.

(3) The Navy SEALs bravely contribute to the national security of the United States by conducting elite counterterrorism operations and capacity-building activities with partner nation security forces to counter the threat posed by al-Qaeda and affiliated groups.

(4) The Navy SEALs are a critical element of the special operations capability of the United States and have retained the highest standard of loyalty, honor, and duty since their origin as Navy underwater demolition personnel, or “frogmen”, during World War II.

(5) The Navy SEALs show the highest professionalism in their tactical proficiency and full-spectrum capability on the battlefield.

(6) The Navy SEALs have made great sacrifices in the line of duty and repeatedly demonstrate their dedication and readiness to continue to make those sacrifices on behalf of the United States.

(7) The Navy SEALs have courageously and vigorously pursued al-Qaeda and its affiliates in Afghanistan and around the world.

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

(1) recognize the service, professionalism, honor, and sacrifices of the Navy SEALs and their families for their contributions to the national security of the United States since January 1962; and

(2) support the mission of the Navy SEALs in the continuing fight against al-Qaeda and its affiliates.

**SA 1347.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 4001, add the following:

(d) REDUCTION OF AUTHORIZATIONS OF APPROPRIATIONS EXCEEDING LEVEL REQUESTED IN PRESIDENT’S BUDGET AND PARTIAL RESTORATION OF OPERATION AND MAINTENANCE ACCOUNTS.—Notwithstanding the amounts specified in the funding tables in titles XLI through XLVI, the amounts specified in the funding tables for sections 4101, 4102, 4201, 4202, 4301, 4302, 4401, 4402, 4501, and 4601 for purposes of sections 101, 201, 301, 1401, 1402, 1403, 1404, 1405, 1406, 1431, 1506, 1507, 1508, 1509, 2003, 3101, 3102, and 3103, are as follows:

**MCCAIN AMENDMENT TO STRIKE ALL UNREQUESTED FUNDS**  
(In thousands of dollars)

| Section       | Service           | Title   | Details  | FY 2012 request | SASC mark | McCain alternative |
|---------------|-------------------|---|--|-----------------|-----------|--------------------|
| 4101          | Army              | Abrams Upgrade  | Add 49 tanks to bridge production gap                  | 0               | 240,000   | [ - 240,000]       |
| 4201          | Army              | Test Ranges & Facilities                              | Program Increase                                       | 262,456         | 312,456   | [ - 50,000]        |
| 4201          | Air Force         | Advanced Materials for Weapon Systems                 | Metals Affordability Initiative                        | 0               | 10,000    | [ - 10,000]        |
| 4201          | Air Force         | ICBM  | Program Increase                                       | 67,202          | 72,202    | [ - 5,000]         |
| 4201          | Air Force         | Test & Evaluation Support                             | Program Increase                                       | 654,475         | 704,475   | [ - 50,000]        |
| 4201          | Air Force         | Enterprise Query & Correlation                        | Enterprise Query & Correlation                         | 0               | 10,000    | [ - 10,000]        |
| 4201          | Defense-Wide      | Manufacturing S&T Program                             | Industrial Base Innovation Fund                        | 0               | 30,000    | [ - 30,000]        |
| 4201          | Defense-Wide      | Emerging Capabilities Tech Development                | Cargo Airship Demonstration                            | 0               | 2,000     | [ - 2,000]         |
| 4201          | Defense-Wide      | Defense Rapid Innovation Program                      | Program Increase                                       | 0               | 200,000   | [ - 200,000]       |
| 4201          | Defense-Wide      | Ballistic Missile Defense Terminal Defense Segment    | THAAD Production Improvements                          | 290,452         | 310,452   | [ - 20,000]        |
| 4201          | Defense-Wide      | AEIGS BMD   | SM-3 Block IB Production Improvements                  | 960,267         | 990,267   | [ - 30,000]        |
| 4201          | Defense-Wide      | Israeli Cooperative Programs                          | David’s Sling Development                              | 0               | 25,000    | [ - 25,000]        |
| 4201          | Defense-Wide      | Israeli Cooperative Programs                          | Arrow System Improvement Program                       | 0               | 20,000    | [ - 20,000]        |
| 4201          | Defense-Wide      | Israeli Cooperative Programs                          | Arrow-3 Interceptor Development                        | 0               | 5,000     | [ - 5,000]         |
| 4201          | Defense-Wide      | DoD Corrosion Program                                 | Program Increase                                       | 3,221           | 35,321    | [ - 32,000]        |
| 4201          | Defense-Wide      | AEIGS SM-3 Block IIA Co-Development                   | Program Increase                                       | 424,454         | 444,454   | [ - 20,000]        |
| 4201          | Defense-Wide      | Development Test & Evaluation                         | Program Increase                                       | 15,805          | 20,805    | [ - 5,000]         |
| 4201          | Defense-Wide      | Defense Info Infrastructure Engineering & Integration | Cybersecurity Pilots                                   | 0               | 10,000    | [ - 10,000]        |
| 4201          | Defense-Wide      | Information Systems Security Program                  | File Sanitization Tool (FIST)                          | 0               | 3,000     | [ - 3,000]         |
| 4201          | Defense-Wide      | Classified Programs                                   | Classified Adjustment                                  | 4,227,920       | 4,263,700 | [ - 35,780]        |
| 4301          | Defense-Wide      | Undistributed   | Impact Aid   | 0               | 25,000    | [ - 25,000]        |
| 4301          | Defense-Wide      | Undistributed   | Severe Disabilities                                    | 0               | 5,000     | [ - 5,000]         |
| 4401          | Inspector General | Office of the Inspector General                       | Program Increase                                       | 286,919         | 327,419   | [ - 40,500]        |
| 4401          | Inspector General | Office of the Inspector General                       | Program Increase—Growth Plan                           | 1,600           | 4,500     | [ - 2,900]         |
| <b>TOTAL:</b> |                   |   |  |                 |           | [ - 876,280]       |
| 4301          | UNDISTRIBUTED     | UNDISTRIBUTED   | Proportional restoration for services and Defense-wide |                 |           | 876,280            |

**SA 1348.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. ELIMINATION OF DEFENSE RAPID INNOVATION PROGRAM FUNDING; RESTORATION OF OPERATION AND MAINTENANCE FUNDING.**

(a) ELIMINATION OF DEFENSE RAPID INNOVATION PROGRAM FUNDING.—Notwithstanding the amounts specified in the funding tables in section 4201—

(1) the amount authorized to be appropriated for fiscal year 2012 for the Defense Rapid Innovation Program is \$0;

(2) the total amount authorized to be appropriated for fiscal year 2012 for Advanced Technology Development, Defense-Wide is \$3,121,342,000;

(3) the total amount authorized to be appropriated for fiscal year for 2012 for Research, Development, Test, And Evaluation, Defense-Wide is \$19,613,751,000; and

(4) the total amount authorized to be appropriated for Research, Development, Test, and Evaluation is \$71,640,593,000.

(b) RESTORATION OF OPERATION AND MAINTENANCE FUNDING.—Notwithstanding the amount specified in the funding tables in section 4301—

(1) the total amount authorized to be appropriated for Operation and Maintenance, Defense-Wide for “Undistributed” is \$-674,800,000;

(2) the total amount authorized to be appropriated for Operation and Maintenance, Defense-Wide is \$29,642,583,000; and

(3) the total amount authorized to be appropriated for Operation and Maintenance is \$161,046,587,000.

**SA 1349.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. ADEQUACY OF CONTRACTING OFFICER REPRESENTATIVES TO PREVENT WASTE, FRAUD, AND ABUSE.**

(a) FINDING.—Congress finds that a November 14, 2011, Congressional Research Service (CRS) report entitled “Wartime Contracting in Afghanistan: Analysis and Issues for Congress” said that “[a]ccording to some government officials, there are simply not enough contracting officer representatives (CORs) in theatre to conduct adequate oversight . . . In some instances the problem is not the number of contracting officer representatives, but the lack of expertise of those assigned to conduct oversight”.

(b) ADDITIONAL CONTRACTING OFFICER REPRESENTATIVES.—The Secretary of Defense shall, using amounts authorized to be appropriated by this Act, increase the number of contracting officer representatives of the Department of Defense to the number determined sufficient by the Secretary to provide the proper oversight of government contracts necessary to prevent waste, fraud, and abuse in government contracts.

(c) REPORTS.—Not later than January 1, 2013, and annually thereafter, the Secretary shall submit to Congress a report assessing the extent to which the number of contracting officer representatives in the Department of Defense during the preceding calendar year was sufficient to provide the proper oversight of government contracts necessary to prevent waste, fraud, and abuse in government contracts.

**SA 1350.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. TREATMENT OF GULF WAR ILLNESS WITHIN THE GULF WAR ILLNESS RESEARCH PROGRAM OF THE ARMY.**

Of the amount authorized to be appropriated by section 201 and available for research, development, test, and evaluation for the Army as specified in the funding table in section 4201, \$10,000,000 shall be available for the diagnosis and treatment of Gulf War Illness within the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research.

**SA 1351.** Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. McCASKILL, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. REDUCTION OF MILITARY CONSTRUCTION AUTHORIZATION FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES AUTHORIZED THROUGH THE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Amounts previously authorized for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act for fiscal years prior to fiscal year 2012 are hereby reduced by \$1,000,000,000.

**SA 1352.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. AVAILABILITY OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 FUNDS FOR HOMEOWNERS ASSISTANCE FUND.**

Of the unobligated balances available in the Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$365,000,000 shall be made available for the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

**SA 1353.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 316. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.**

(a) MANAGEMENT AND OVERSIGHT.—Section 2901(a) of title 10, United States Code, is amended by inserting after “Program” the following: “, and shall place the program under the management and oversight of the Deputy Under Secretary of Defense for Installations and Environment”.

(b) STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.—

(1) COMPOSITION.—Section 2902(b) of such title is amended—

(A) by amending paragraph (1) to read as follows:

“(1) The Deputy Assistant Secretary of Defense for Research.”; and

(B) by amending paragraph (3) to read as follows:

“(3) The Deputy Under Secretary of Defense for Installations and Environment.”.

(2) CHAIRMAN.—Section 2902(c) of such title is amended by striking “designate a member of the Council as chairman for each odd numbered fiscal year” and inserting “designate the Deputy Under Secretary of Defense for Installations and Environment as chairman for each odd numbered fiscal year”.

**SA 1354.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, line 14, strike “‘1,750,000,000’” and insert “‘\$1,690,000,000’”.

On page 479, between lines 14 and 15, insert the following:

(c) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF JORDAN FOR CERTAIN SECURITY ACTIVITIES.—The Secretary of Defense may utilize funds from amounts available under section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended and amended by this section, to reimburse Jordan for support provided during fiscal year 2012 for convoy and Iraq border security in connection with the activities of the Office of Security Cooperation—Iraq.

**SA 1355.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.**

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the ATARES program of the Movement Coordination Centre Europe (MCCE).

(2) SCOPE OF PARTICIPATION.—Participation in the program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value. No services other than air transportation and air refueling services may be exchanged or transferred under the authority in paragraph (1).

(3) LIMITATION.—The United States’ balance of executed flight hours (EFH), whether as credits or debits, in participation in the program under paragraph (1) may not exceed a balance of 500 hours.

(b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—

(1) ARRANGEMENTS OR AGREEMENTS REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a

written arrangement or agreement entered into by the Secretary of Defense and the Movement Coordination Centre Europe.

(2) **FUNDING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support the program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds authorized to be appropriated to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under such arrangement or agreement.

(d) **CREDITING OF RECEIPTS.**—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) **ANNUAL REPORTS.**—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to Congress a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) **EXPIRATION.**—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b).

(g) **ATARES PROGRAM DEFINED.**—In this section, the term "ATARES program" means the Air Transport, Air-to-Air Refueling and other Exchanges of Services program

of the Movement Coordination Centre Europe.

**SA 1356.** Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—COMMISSION ON MILITARY COMPENSATION**

**SEC. 1601. ESTABLISHMENT.**

There is established an independent commission to be known as the "Commission on Military Compensation".

**SEC. 1602. PURPOSE AND DUTIES OF COMMISSION.**

(a) **MILITARY COMPENSATION REVIEW AND RECOMMENDATIONS.**—The purpose of the Commission is—

(1) to conduct a review of all elements of military compensation provided to members of the uniformed services on account of their service in the uniformed services; and

(2) to make recommendations regarding any changes that the Commission considers appropriate for individual elements of military compensation or the structure or manner by which military compensation is provided to members of the uniformed services with the goals of—

(A) ensuring military readiness and capability;

(B) enabling a quality of life for members of the uniformed services and their families that will foster successful recruiting, retention, and careers of military service; and

(C) providing necessary flexibility to the Department of Defense to quickly adjust elements of military compensation to respond to changing conditions and fiscal restraints.

(b) **REQUIREMENTS.**—The review conducted and recommendations prepared by the Commission—

(1) shall be based on proposals submitted by the Secretary of Defense, as required by section 1604(a);

(2) shall address, at a minimum, the structure of the military retirement system (non-disability and disability, regular and non-regular service) in the context of existing military compensation and force management objectives, changes to military health care benefits, and such restructuring and reform of all other elements of military compensation as is feasible given the time allowed for completion of the review and submission of the recommendations; and

(3) shall be consistent with the criteria specified in subsection (c).

(c) **CRITERIA.**—The Secretary of Defense, in preparing a proposal for the Commission, and the Commission, in conducting the review and preparing recommendations, shall consider the following criteria:

(1) The effect of elements of military compensation on the ability to successfully recruit and retain highly capable and motivated members of the All-Volunteer force and the likely impact of proposed changes in this regard.

(2) The effect of elements of military compensation on maintaining an appropriate quality of life for members of the All-Volunteer force and their families and the effect of proposed changes in this regard.

(3) The effect of elements of military compensation that respond fully to the needs of

wounded, ill, and injured members of the uniformed services and their families and the impact of proposed changes in this regard.

(4) The effect of existing provisions of law and regulation in affording necessary authority and flexibility for force management and shaping by military planners, and rapid response to changing conditions affecting the conditions of military service, the size and composition of military forces, and the financial resources available to ensure military readiness and capability.

(5) The effect of elements of military compensation on encouraging careers of service in the regular and reserve components of the uniformed services and the effect of proposed changes in this regard.

(6) The current and projected cost of military personnel as a part of the budgets of the Department of Defense and the Army, Navy, Air Force, and Marine Corps, end strength levels for active forces and reserve components needed for military mission accomplishment, and the impact of proposed changes on ensuring military capability and readiness.

(7) The flexibility currently afforded to military planners under existing laws and regulation and changes necessary for military planners to respond to changing circumstances in recruiting, retention, manpower, and critical skill requirements, conditions of service, and the availability of budgetary resources to military planners.

(8) Such other criteria as the Secretary of Defense and the members of the Commission consider advisable.

(d) **SPECIAL RULE REGARDING MILITARY RETIREMENT PROPOSALS.**—Any change proposed by the Secretary of Defense or the Commission regarding reducing the amount of military retired pay (or its rate of growth) or the manner by which members of the uniformed services become entitled to retired pay shall not apply to a member or former member of the uniformed services who first became a member before January 1, 2013. The rule of construction in section 1411(a) of title 10, United States Code, shall apply in determining when a member of the uniformed services first became a member.

**SEC. 1603. MEMBERSHIP AND ADMINISTRATION.**

(a) **NUMBER AND APPOINTMENT.**—

(1) **NUMBER.**—The Commission shall be composed of 9 members.

(2) **APPOINTMENT.**—

(A) **PRESIDENT.**—The President shall appoint five members of the Commission.

(B) **HASC.**—The Chairman and ranking member of the Committee on Armed Services of the House of Representatives shall each appoint one member of the Commission.

(C) **SASC.**—The Chairman and ranking member of the Committee on Armed Services of the Senate shall each appoint one member of the Commission.

(3) **TIME FOR APPOINTMENT.**—All appointments to the Commission shall be made before March 15, 2012.

(4) **QUALIFICATIONS.**—Members of the Commission should be selected based on their knowledge and experience with the uniformed services and military compensation issues.

(b) **CHAIRMAN.**—The President shall designate one of the members of the Commission to serve as Chairman of the Commission.

(c) **TERMS.**—Each member shall be appointed for the life of the Commission. A vacancy on the Commission shall be filled in the same manner as the original appointment.

(d) **MEETINGS.**—

(1) **FREQUENCY.**—The Commission shall meet at the call of the Chairman or a majority of its members.

(2) **FIRST MEETING.**—The Commission shall hold its first meeting not later than April 1, 2012.

(3) **QUORUM.**—Five members of the Commission shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(4) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to the Commission, except that the Commission shall hold public hearings.

(e) **PAY AND TRAVEL EXPENSES.**—

(1) **PAY.**—A member of the Commission shall be paid at the rate equal to the daily equivalent of the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of duties of the Commission.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) **ADMINISTRATIVE PROVISIONS.**—

(1) **STAFF.**—The Secretary of Defense shall detail such members of the Army, Navy, Air Force, and Marine Corps and civilian employees of the Department of Defense as may be necessary to serve as the staff of the Commission.

(2) **FACILITIES.**—The Secretary of Defense shall make office space available to the Commission to carry out its duties.

(3) **FUNDING.**—The Secretary of Defense shall use amounts appropriated to the Department of Defense for operation and maintenance and otherwise unobligated to cover the costs of the Commission.

**SEC. 1604. REVIEW PROCESS AND REPORTING REQUIREMENTS.**

(a) **SUBMISSION OF PROPOSALS TO COMMISSION.**—

(1) **ROLE OF SECRETARY OF DEFENSE.**—Not later than June 1, 2012, the Secretary of Defense shall submit to the Commission for consideration by the Commission such proposals regarding changes to individual elements of military compensation or the structure or manner by which military compensation is provided to members of the uniformed services as the Secretary of Defense considers appropriate.

(2) **CONSULTATION.**—The Secretary of Defense shall prepare the proposals under paragraph (1) in consultation with the Secretaries of the military departments, the Secretary of Homeland Security, with respect to the Coast Guard, the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to the Public Health Service.

(3) **DRAFT LEGISLATIVE LANGUAGE.**—To the extent practicable, each change proposed by the Secretary of Defense under paragraph (1) shall include the draft legislative language necessary to effectuate the change in the law.

(b) **SUBMISSION OF COMMISSION RECOMMENDATIONS.**—

(1) **SUBMISSION TO PRESIDENT.**—Not later than December 15, 2012, the Commission shall transmit to the President a report containing—

(A) the results of the review of military compensation conducted by the Commission; and

(B) the recommendations of the Commission (as described in section 1602(a)(2)), including the draft legislative language necessary to effectuate each recommendation.

(2) **MAJORITY REQUIREMENT.**—A recommendation may not be included in the re-

port unless a majority of the members of the Commission affirmatively endorse the recommendation.

(3) **PUBLIC DOCUMENT.**—The report of the Commission shall be made public by printing in the Federal Register or other means.

(c) **REVIEW AND ACTION BY THE PRESIDENT.**—

(1) **REVIEW BY THE PRESIDENT.**—Not later than February 28, 2013, the President shall complete a review of the report of the Commission and either approve or disapprove of the recommendations of the Commission. The recommendations may only be approved or disapproved in their entirety.

(2) **EFFECT OF APPROVAL.**—If the President approves the recommendations of the Commission, the President shall transmit a copy of the report to the Congress, together with a certification of such approval.

(3) **EFFECT OF DISAPPROVAL.**—If the President disapproves the recommendations of the Commission, the President shall transmit to the Commission and Congress the reasons for that disapproval. The Commission shall terminate 30 days after the date on which the President transmits the disapproval notice.

**SEC. 1605. EXPEDITED CONGRESSIONAL CONSIDERATION OF COMMISSION RECOMMENDATIONS.**

(a) **INTRODUCTION.**—

(1) **INTRODUCTION REQUIRED.**—If the report of the Commission is approved by the President pursuant to section 1604(c), the draft legislative language submitted pursuant to section 1604(b)(1)(B) as part of the report of the Commission shall be introduced as a bill—

(A) in the Senate (by request) on the next day on which the Senate is in session by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate; and

(B) in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a Member of the House designated by the majority leader of the House.

(2) **FORM OF LEGISLATION.**—The military compensation bill shall contain the following:

(A) A title as follows: “A bill containing all of the legislative proposals regarding military compensation recommended by the Commission on Military Compensation and approved by the President.”

(B) A short title as follows: “The ‘Military Compensation Reform Act of 2013.’”

(C) A text consisting of all of the draft legislative language contained in the report of the Commission and transmitted to Congress by the President.

(b) **REFERRAL.**—The military compensation bill that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. The military compensation bill that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) **CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.**—

(1) **REFERRAL AND REPORTING.**—The Committee on Armed Services of the House of Representatives shall report the military compensation bill to the House without amendment not later than July 31, 2013. If the committee fails to report the military compensation bill within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the mili-

tary compensation bill in accordance with paragraphs (2) and (3). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(2) **PROCEEDING TO CONSIDERATION.**—After the Committee on Armed Services of the House of Representatives reports the military compensation bill to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military compensation bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) **CONSIDERATION.**—The military compensation bill shall be considered as read. All points of order against the military compensation bill and against its consideration are waived. The previous question shall be considered as ordered on the military compensation bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the military compensation bill. A motion to reconsider the vote on passage of the military compensation bill shall not be in order.

(4) **VOTE ON PASSAGE.**—The vote on passage of the military compensation bill shall occur not later than September 30, 2013.

(d) **EXPEDITED PROCEDURE IN THE SENATE.**—

(1) **COMMITTEE CONSIDERATION.**—The Committee on Armed Services of the Senate shall report the military compensation bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than July 31, 2013. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(2) **MOTION TO PROCEED.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which the military compensation bill is reported or discharged from the Committee on Armed Services of the Senate, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the military compensation bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military compensation bill is agreed to, the military compensation bill shall remain the unfinished business until disposed of.

(3) **CONSIDERATION.**—All points of order against the military compensation bill and against consideration of the military compensation bill are waived. Consideration of the military compensation bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 30 hours which shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the military compensation bill is in order, shall require an affirmative vote of three-

fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the military compensation bill, including time used for quorum calls and voting, shall be counted against the total 30 hours of consideration.

(4) NO AMENDMENTS.—An amendment to the military compensation bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the military compensation bill, is not in order.

(5) VOTE ON PASSAGE.—If the Senate has voted to proceed to the military compensation bill, the vote on passage of the military compensation bill shall occur immediately following the conclusion of the debate on a military compensation bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the military compensation bill shall occur not later than September 30, 2013.

(6) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a military compensation bill shall be decided without debate.

(e) AMENDMENT.—The military compensation bill shall not be subject to amendment in either the House of Representatives or the Senate.

(f) CONSIDERATION BY THE OTHER HOUSE.—If, before passing the military compensation bill, one House receives from the other House a military compensation bill—

(1) the military compensation bill of the other House shall not be referred to a committee; and

(2) the procedure in the receiving House shall be the same as if no military compensation bill had been received from the other House until the vote on passage, when the military compensation bill received from the other House shall supplant the military compensation bill of the receiving House.

(g) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(1) TREATMENT OF MILITARY COMPENSATION BILL OF OTHER HOUSE.—If the Senate fails to introduce or consider a military compensation bill under this section, the military compensation bill of the House shall be entitled to expedited floor procedures under this section.

(2) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the military compensation bill in the Senate, the Senate then receives the military compensation bill from the House of Representatives, the House-passed military compensation bill shall not be debatable. The vote on passage of the military compensation bill in the Senate shall be considered to be the vote on passage of the military compensation bill received from the House of Representatives.

(3) VETOES.—If the President vetoes the military compensation bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(h) LOSS OF PRIVILEGE.—The provisions of this section shall cease to apply to the military compensation bill if the military compensation bill does not pass both Houses before October 1, 2013.

#### SEC. 1606. DEFINITIONS.

In this title:

(1) The term “Commission” means the Commission on Military Compensation.

(2) The term “military compensation” means all elements of military compensation

provided to members of the uniformed services, including (but not limited to) the following:

(A) Regular military compensation (as defined in section 101(25) of title 37, United States Code).

(B) Special and incentive pays and allowances available under chapters 5 and 7 of title 37, United States Code, or other provisions of law.

(C) Retired pay computed under chapter 71 or 1223 of title 10, United States Code, separation pay available under section 1174, 1175, or 1175a of such title, disability separation pay available under section 1212 of such title, and combat-related special compensation available under section 1413a of such title.

(D) Annuities based on retired pay under chapter 73 of title 10, United States Code.

(E) Medical and dental care provided under chapter 55 of title 10, United States Code.

(F) Educational assistance and educational loan repayment programs provided under part III of subtitle A of title 10, United States Code.

(G) Commissary and exchange benefits and other activities conducted for the morale, welfare, and recreation of members of the uniformed services.

(3) The term “military compensation bill” means a bill consisting of the draft legislative language of the Commission that is introduced under section 1605(a).

(4) The term “retired pay” includes retainer pay paid under section 6330 of title 10, United States Code, or other provision of law.

(5) The term “uniformed services” has the meaning given that term in section 101(3) of title 37, United States Code. The term includes both the regular and reserve components.

#### SEC. 1607. TERMINATION.

The Commission shall terminate on September 30, 2013, unless earlier terminated pursuant to section 1604(c)(3).

**SA 1357.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 316. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND INVESTMENT TO MEET THE REQUIREMENTS OF RENEWABLE ENERGY GOALS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, renewable energy research, development, and investment in pursuit of meeting the renewable energy goals set forth in section 2911(e) of title 10, United States Code, by executive order, and through related legislative mandates. This review shall specify specific programs, costs, and estimated and expected savings of the programs.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Committee on Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the review conducted under subsection (a), including the following elements:

(1) A description of current Department of Defense renewable energy research initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(2) A description of current Department of Defense renewable energy development initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(3) A description of current Department of Defense renewable energy investment initiatives throughout the Department of Defense, by military service, including the use of any “renewable energy source” as specified in section 2911(e)(2) of title 10, United States Code. These descriptions will include the total dollars spent to date, the estimated total cost of the program, and the estimated lifetime of the program.

(4) A description of the estimated and expected savings of each of the programs described in paragraphs (1), (2), and (3), including a comparison of the renewable energy cost to the current cost of conventional energy sources, as well as a comparison of the renewable energy cost to the average energy cost for the previous 10 years.

(5) An assessment of the adequacy of the coordination by the Department of Defense of planning for renewable energy projects with consideration for savings realized for dollars invested and the capitalization costs of such investments.

(6) An assessment of the adequacy of the coordination by the Department of Defense among the service branches and the Department of Defense as a whole, and whether or not the Department of Defense has a cost-effective, capabilities-based, and coordinated renewable energy research, development, and investment strategy.

(7) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department of Defense in optimizing research, development, and investment in renewable energy initiatives.

(8) Recommendations regarding the need for a new energy strategy for the Department of Defense that provides the Department with the energy supply required to meet all the needs and capabilities of the Armed Forces in the most cost-effective and efficient manner.

**SA 1358.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 136. SENSE OF CONGRESS ON RQ-4 GLOBAL HAWK PROGRAM.

It is the sense of Congress that the Secretary of the Air Force should follow the direction in the Acquisition Decision Memorandum regarding the RQ-4 Global Hawk program issued June 14, 2011.

**SA 1359.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3116. ONE-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE.**

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (2)—
    - (i) in subparagraph (A), by striking “2012” each place it appears and inserting “2013”; and
    - (ii) in subparagraph (B), by striking “2019” and inserting “2020”; and
  - (B) in paragraph (3)—
    - (i) in subparagraph (C), by striking “2012” and inserting “2013”; and
    - (ii) in subparagraph (D), by striking “2017” and inserting “2018”; and
  - (2) in subsection (b), by striking “2012” each place it appears and inserting “2013”;
    - (3) in subsection (c)—
      - (A) in the matter preceding paragraph (1), by striking “2012” and inserting “2013”;
        - (B) in paragraph (1), by striking “2014” and inserting “2015”; and
        - (C) in paragraph (2), by striking “2020” each place it appears and inserting “2021”;
          - (4) in subsection (d)—
            - (A) in paragraph (1)—
              - (i) by striking “2014” and inserting “2015”; and
              - (ii) by striking “2019” and inserting “2020”; and
            - (B) in paragraph (2)(A), by striking “2020” each place it appears and inserting “2021”; and
            - (5) in subsection (e), by striking “2023” and inserting “2024”.

**SA 1360.** Mr. GRASSLEY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike lines 3 through 6, and insert the following:

- (b) CONSTRUCTION.—
  - (1) IN GENERAL.—Nothing in this title or any amendment made by this title shall be construed to apply to the authorized law enforcement activities, protective duties, or intelligence activities of the United States, including any activities of an element of the intelligence community, or any State or subdivision of a State.
  - (2) DEFINITIONS.—In this subsection:
    - (A) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).
    - (B) PROTECTIVE DUTIES.—The term “protective duties” includes protective duties as authorized—
      - (i) by section 3056 of title 18, United States Code;

(ii) by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709); or

(iii) by a presidential memorandum.

**SA 1361.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.**

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

- (1) in subsection (a), in the first sentence, in the matter preceding the proviso, by striking “All money received” and inserting “Subject to subsection (d), all money received”; and
  - (2) by adding at the end the following:
    - “(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—
      - “(1) IN GENERAL.—Of the amount that is retained by the Secretary of the Treasury and not paid to a State under subsection (a), the Secretary of the Treasury shall transfer to the Department of Defense an amount equal to the amount received from all sales, bonuses, rentals, or royalties (including interest charges) that arises from the production or leasing of oil or shale gas at each military installation that holds title to, or occupies, land on which oil and gas production is carried out.
      - “(2) USE OF FUNDS.—Any amount received by a military installation under paragraph (1) shall be used to offset costs arising from—
        - “(A) administrative operations and expenses to comply with this section; and
        - “(B) the maintenance and repair of facilities and infrastructure of the military installation.”.

**SA 1362.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1049. TRANSFER OF VIETNAM ERA F-105 AIRCRAFT.**

- (a) CONVEYANCE OF AIRCRAFT.—Subject to subsection (c), the Secretary of the Air Force may convey to a private entity all right, title, and interest of the United States in and to a Republic F-105G Thunderchief aircraft (serial number 62-04427) that is excess to the operational requirements of the Air Force for the purpose of permitting the private entity to restore the aircraft to flying condition to honor veterans of the Vietnam War through memorial flights and for the education and enjoyment of future generations of Americans. The Secretary is not required to repair or alter the aircraft before conveying ownership.
- (b) ADDITIONAL CONVEYANCES.—To ensure the continued operational capability of the aircraft conveyed under subsection (a), the

Secretary shall also convey all right, title, and interest of the United States in and to the following:

(1) Historic logbooks (airframes and engines) and maintenance and operations manuals specific to the F-105 aircraft, its subsystems, and support equipment that may be in the Air Force logistical library.

(2) Excess spare parts, including six F-105 engines, six non-flyable F-105 airframes, and one F-105 aircraft (63-08287) identified as excess, that may be used for parts reclamation or subsequent static display.

(3) The following J-79-15 engines: serial numbers 439550-15E, 439538-15E, 439671-15E, 420244-15A, and 434604-15A, or four equivalent zero time J-79-15 engines.

(c) CONDITIONS OF CONVEYANCES.—

(1) CONDITIONAL DEED OF GIFT.—The conveyances under this section shall be made by means of a conditional deed of gift.

(2) NO-COST CONVEYANCES.—The conveyances under this section shall be at no cost to the United States. Any costs associated with such conveyances, costs of determining compliance with subsection (d), and costs of operation and maintenance of the aircraft conveyed shall be borne by the private entity concerned.

(3) RESTRICTION.—The Secretary shall include in the instrument of conveyance a condition that the private entity concerned operates and maintains the aircraft conveyed in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) DEMILITARIZATION OF AIRCRAFT.—The private entity to which an aircraft is conveyed under this section may carry out the demilitarization of the aircraft if the demilitarization of the aircraft is completed by the private entity not later than one year after the date of the conveyance of the aircraft to the private entity. Such demilitarization shall not affect the flight status of the aircraft.

(e) TIME FOR CONVEYANCES.—The deed of gift and conveyances under this section shall be completed not later than 90 days after the date of the enactment of this Act, except that final transfer of ownership of the aircraft under subsection (a) may not occur until the Secretary determines that the private entity concerned has altered the aircraft in such a manner as the Secretary considers necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing offensive weapons. In applying section 2572 of title 10, United States Code, to the conveyance under subsection (a), demilitarization will not be applied to non-offensive weapon systems extant on the aircraft. The non-flyable airframes to be conveyed under subsection (b)(2) are not subject to non-weapons related demilitarization.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the private entity concerned under subsection (a) and the conveyance of other material under subsection (b), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft or material by any person other than the United States.

(g) PRIVATE ENTITY DEFINED.—In this section, the term “private entity” means any organization that—

(1) meets the requirements of the Air Force for purposes of the transfer of combat materiel;

(2) is an entity included in section 2572(a) of title 10, United States Code, or under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) is determined by the Secretary—



(A) to be capable of restoring, displaying, and preserving the aircraft referred to in subsection (a) in its original flight condition;

(B) to be capable of safely operating and maintaining the aircraft in memorial flights at air shows and similar events; and

(C) to have the capability to maintain the aircraft as a fitting flying tribute in commemoration of those Americans who have served or are now serving our nation as members of the Armed Forces.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SA 1363.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1243. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

“(12) Chinese military-to-military relationships with other countries, including—

“(A) the size and activity of military attaché offices around the world;

“(B) military education programs conducted in China for other countries or in other countries for the Chinese; and

“(C) the size and scope of purchases of foreign military hardware and software by the Chinese and from the Chinese.”.

**SA 1364.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 346. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

**SA 1365.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1049. CONSOLIDATION OF DUPLICATIVE AND OVERLAPPING AGENCIES, PROGRAMS, AND ACTIVITIES OF THE FEDERAL GOVERNMENT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads of other departments and agencies of the Federal Government—

(1) use available administrative authority to eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(2) identify and submit to Congress a report setting the legislative action required to further eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the report referred to in paragraph (1); and

(3) determine and submit to Congress in the report the total cost savings that—

(A) will accrue to each department, agency, and office effected by an action under paragraph (1) as a result of the actions taken under that paragraph; and

(B) could accrue to each department, agency, and office effected by an action under paragraph (2) as a result of the actions proposed to be taken under that paragraph using the legislative authority set forth under that paragraph.

**SA 1366.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 547. LIMITATION ON AMOUNTS AVAILABLE IN FISCAL YEAR 2012 FOR TUITION ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

Notwithstanding any other provision of this Act, the total amount available in this Act for fiscal year 2012 for tuition assistance programs of the Department of Defense may not exceed \$100,000,000.

**SA 1367.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 2003, insert the following:

**SEC. 2004. LIMITATION ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS IN EUROPE.**

Not more than 25 percent of the amounts authorized to be appropriated under this di-

vision for military construction, land acquisition, and military family housing functions of the Department of Defense and the military departments may be obligated or expended until the Secretary of Defense submits to the congressional defense committees a report on comprehensive data of the theater posture plan for the United States European Command.

**SA 1368.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2011.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount by account of all balances carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(2) The total dollar amount by account of all unobligated balances specifying those amounts carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(3) The total dollar amount by account of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2011 by account.

(4) An explanation of the unobligated balances by account.

**SA 1369.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 574. TERMINATION OF THE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOL SYSTEM.**

(a) **TERMINATION REQUIRED.**—The Secretary of Defense shall terminate the Domestic Dependent Elementary and Secondary School (DDESS) system of the Department of Defense by not later than September 30, 2015.

(b) **CLOSURE OF SCHOOLS.**—In terminating the Domestic Dependent Elementary and Secondary School system under subsection (a), the Secretary shall provide for the orderly closure of the schools in the system and the orderly transfer of the students in such schools to other appropriate schools.

(c) **IMPACT ASSISTANCE.**—The Secretary of Defense may provide to any local educational agency matriculating a student formerly covered by the Domestic Dependent Elementary and Secondary School system by reason of the termination of the system under subsection (a) an amount not to exceed \$12,000 for such student per academic

year in order to assist such agency in defraying the costs of education of such student.

**SA 1370.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of VI, add the following:

**Subtitle D—Other Matters**

**SEC. 641. CONSOLIDATION OF COMMISSARY AND EXCHANGE STORES OF THE DEPARTMENT OF DEFENSE INTO A SINGLE RETAIL STORE SYSTEM.**

(a) IN GENERAL.—By not later than five years after the date of the enactment of this Act, the Secretary of Defense shall consolidate the stores of the commissary system of the Department of Defense and the exchange systems of the Department of Defense into a single retail store system that relies solely upon sales revenues to cover the costs of operation.

(b) GROCERY ALLOWANCE.—Upon completion of the consolidation required by subsection (a), the Secretary of the military department concerned may pay members of the Armed Forces under the jurisdiction of the Secretary an allowance to assist members in defraying additional costs incurred by members and their dependents for groceries sold at the single retail store system as result of increased charges for groceries imposed by the retail store system in order to rely solely upon sales revenues to cover the costs of operation. Amounts for allowances under this subsection shall be available from amounts authorized to be appropriated for the pay and allowance of military personnel.

**SA 1371.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”

**SA 1372.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 527. TEMPORARY EXTENSION OF AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.**

Section 688a(f) of title 10, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

**SA 1373.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1005. REIMBURSEMENT OF COSTS INCURRED BY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES FOR PROCESSING AND ADJUDICATING APPLICATIONS FOR CITIZENSHIP OF MILITARY PERSONNEL.**

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2245a the following new section:

**“§ 2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel**

“(a) IN GENERAL.—Using funds available for operation and maintenance and notwithstanding section 2215 of this title, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by United States Citizenship and Immigration Services of applications for naturalization under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440).

“(b) DISPOSITION OF FUNDS.—Any amount received by the Secretary of Homeland Security as a reimbursement under subsection (a) shall be deposited, and shall remain available, as provided by subsections (m) and (n), respectively, of section 286 of such Act (8 U.S.C. 1356).

“(c) DETERMINATION OF AMOUNT OF REIMBURSEMENTS.—The amount of reimbursements under subsection (a) shall be based on actual costs incurred by United States Citizenship and Immigration Services for processing and adjudicating applications for naturalization described in subsection (a).

“(d) ANNUAL LIMITATION.—The amount of reimbursements under this section in any fiscal year may not exceed the amount appropriated for that purpose for that fiscal year.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of

chapter 134 of such title is amended by inserting after the item relating to section 2245a the following new item:

“2246. Use of operation and maintenance funds to reimburse Department of Homeland Security for costs of processing citizenship applications of military personnel.”

**SA 1374.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 907. NATIONAL LANGUAGE SERVICE CORPS.**

(a) CHARTER FOR NLSC.—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(f).

“(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 may call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new 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 shortfalls and requirements, such as recruitment, member assignments and return, deployment, redeployment, and public information;

“(C) coordinating activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall language shortfalls and to utilize personnel to address the various types of crises that warrant language skills; and

“(D) proposing to the Secretary regulations to carry out section 813.”.

**SA 1375.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds that—

(1) scouting prepares young men for leadership by—

(A) helping them learn to meet challenges of physical fitness, moral character, confidence, self-reliance, and leadership; and

(B) teaching them the importance of service to others, including public service;

(2) the relationship between the Boy Scouts of America and Department of Defense, including the National Guard, has consistently been, and remains, strong;

(3) the primary purpose of the Armed Forces is to defend the national security of the United States and prepare for combat, of which one of the most critical elements is training in conditions that simulate the planning, logistics, and leadership required for combat;

(4) the National Scout Jamboree provides a unique training opportunity for the military services by providing a venue to exercise planning, logistics, and leadership skills required for defending the national security of the United States;

(5) title 10, United State Code, authorizes the Secretary of Defense to support the National and World Scout Jamborees;

(6) more than 600 National Guard members from 15 States supported the 2010 National Boy Scout Jamboree; and

(7) the Boy Scouts of America will hold the 2013 National Jamboree at the Summit Bechtel Family National Scout Reserve in the

State of West Virginia from July 15 through 24, 2013, with more than 43,000 expected participants.

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

(1) the Secretary of Defense should provide the maximum level of support for the 2013 National Scout Jamboree; and

(2) funding necessary to support the role of the Department of Defense in the 2013 National Scout Jamboree should be identified to ensure that the Boy Scouts of America are successful in hosting the 2013 National Scout Jamboree and to avoid delayed commitments from supporting Armed Forces services.

**SA 1376.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 634. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.**

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”; and

(D) in subparagraph (H), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

**SA 1377.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 7 through 19 and insert the following:

“(7) The Chief of the National Guard Bureau for the purpose of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.”.

**SA 1378.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR,

Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISK, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 15 and all that follows through page 5 line 19, and insert the following:

“(A) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(B) are in a grade above the grade of brigadier general.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”;

and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

**SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.**

Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau for the purpose of addressing issues involving non-federalized National Guard forces in support of homeland defense and civil support missions.”.

**SEC. 1603A. REPEAL OF REQUIREMENT THAT THE CHIEF OF THE NATIONAL GUARD BUREAU BE APPOINTED FROM AMONG OFFICERS RECOMMENDED FOR APPOINTMENT BY THE GOVERNORS OF THE STATES.**

Section 10502(a) of title 10, United States Code, is amended—

(1) by striking paragraph (1); and  
(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

**SA 1379.** Mrs. BOXER (for herself and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2013”.

**SA 1380.** Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less

than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for the Department of Defense for fiscal year 2012, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of Defense.

**SA 1381.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, between lines 17 and 18, insert the following:

“(d) LIMITATION ON APPLICABILITY TO UNITED STATES PERSONS.—Authority to detain a person under this section does not extend to citizens or lawful resident aliens of the United States arrested or captured in the United States.”.

**SA 1382.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, between lines 17 and 18, insert the following:

“(d) LIMITATION ON APPLICABILITY TO UNITED STATES PERSONS.—Authority to detain a person under this section does not extend to citizens or lawful resident aliens of the United States.”.

**SA 1383.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, after “(as defined in subsection (b))” insert “captured abroad”.

**SA 1384.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 907. REPORT ON EXTENT OF AUTHORIZED ACCESS TO MILITARY INSTALLATION FOR UNAUTHORIZED MARKETING OF PRODUCTS AND SERVICES TO MILITARY PERSONNEL.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the extent to which persons and entities employed by institutions of higher education (for purposes of the Higher Education Act of 1965) who have otherwise authorized access to military installations are engaged in the unauthorized marketing of products and services to members of the Armed Forces through such access.

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

(1) The assessment described in subsection (a).

(2) Such recommendations as the Secretary considers appropriate for mechanisms as follows:

(A) To assist members of the Armed Forces in identifying persons and entities who are engaged in the unauthorized marketing of products and services to members of the Armed Force through otherwise authorized access to military installations.

(B) To encourage members to report persons and entities who are so engaged to the proper authorities.

(C) To prevent the unauthorized marketing.

**SA 1385.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 547. REPORT ON COSTS TO DEPARTMENT OF DEFENSE OF CERTAIN ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND MILITARY SPOUSES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the costs to the Department of Defense of education assistance for members of the Armed Forces and military spouses under the following programs of the Department of Defense:

(1) The Tuition Assistance (TA) program.

(2) The Military Spouse Career Advancement Account (MyCAA) program.

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

(1) For each institution of higher education that received funds under a program specified in subsection (a) during any of fiscal years 2009, 2010, or 2011—

(A) the name and location of such institution;

(B) whether such institution is a public, non-profit, or for-profit institution;

(C) the amount of funds received by such institution in each such fiscal year under each program; and

(D) the number of members of the Armed Forces, and the number of military spouses,

who received education at such institution during each such fiscal year for which money was received under either program.

(2) Education outcomes for participants in the programs specified in subsection (a) during fiscal years 2009 through 2011, including—

(A) credit accumulation;

(B) completion of education on time or in 150 percent of on time;

(C) loan defaults;

(D) job placement and retention, and wage progression, after completion of education.

(3) A summary of complaints regarding aggressive recruiting practices or misrepresentation of future job placement opportunities from participants in the programs specified in subsection (a) during fiscal years 2009 through 2011.

(4) Such recommendations as the Secretary considers appropriate for reducing the costs to the Department of education assistance under the programs specified in subsection (a).

**SA 1386.** Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF STATE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **IN GENERAL.**—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of State may transfer, from amounts appropriated for the Department of State for fiscal year 2012, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) **APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of State.

**SA 1387.** Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.**

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

(1) In a September 28, 2011, press briefing White House Press Secretary Jay Carney

stated that “[w]e have said unequivocally that the Haqqani network was responsible for the recent attack on the U.S. embassy in Kabul and on ISAF headquarters in Kabul. And the fact that they are able to operate in Afghanistan because they have a safe haven in Pakistan is a matter of great concern. And we have urged our counterparts in Pakistan to take action and raise with them the importance of doing so”.

(2) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(3) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan that led to a spike in frustrations being expressed by top United States and Afghanistan officials. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. But it was a September 13 attack on the United States Embassy compound in Kabul that appears to have substantively changed the nature of relations between the United States and Pakistan. The well-planned, well-executed assault sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(4) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network. Days after the raid, Admiral Mullen called on General Kayani to again press for Pakistani military action against Haqqani bases. Apparently unsatisfied with his counterpart’s response, Mullen returned to Washington, DC, and began ramping up rhetorical pressure to previously unseen levels, accusing the ISI of using the Haqqanis to conduct a “proxy war” in Afghanistan. Meanwhile, Secretary Panetta issued what was taken by many to be an ultimatum to Pakistan when he told reporters that the United States would “take whatever steps are necessary to protect our forces” in Afghanistan from future attacks by the Haqqanis.

(5) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Admiral Mullen stated that “[t]he Haqqani network, for one, acts as a veritable arm of Pakistan’s Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(6) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “with respect to the Haqqani Network, it illustrates this point. There was a major military operation that was held in Afghanistan just in the past week that rounded up and eliminated more than 100 Haqqani Network operatives. And we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis’ to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that

injured 77 of our soldiers was a similar outrage”.

(7) At the same hearing, Secretary of State Clinton further stated that “[w]ell, Congressman, I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans”.

(8) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police,” the designation continued. In June 2011, “Mali Khan’s deputy provided support to the suicide bombers responsible for the attacks on the Intercontinental Hotel in Kabul, Afghanistan. The attack resulted in the death of 12 people”. Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, has also been quoted in several media outlets as stating Khan also has links to al-Qaeda.

(9) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Department of State as a terrorist in March 2008, and in March 2009, the Department of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadran.

(10) The Haqqani Network meets the criteria for designation as a foreign terrorist organization in that it is a foreign organization, it engages in and retains the capability and intent to engage in terrorism, and it threatens the security of United States nationals and the national defense, foreign relations, and economic interests of the United States.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall designate the Haqqani Network as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the requirement in paragraph (1) if the President submits to the appropriate committees of Congress a certification in writing that—

(A) the Haqqani Network does not threaten the security of United States nationals and the national defense, foreign relations, and economic interests of the United States; and

(B) the waiver is in the national security interests of the United States.

(3) JUSTIFICATION.—The certification submitted under paragraph (2) shall include a written justification for the waiver covered by the certification.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” 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 Per-

manent Select Committee on Intelligence of the House of Representatives.

**SA 1388.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1243. REPORT ON CUBA.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of State, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description of the cooperative agreements, relationships, or both between Cuba, on the one hand, and Iran, North Korea, and other states suspected of nuclear proliferation, on the other hand.

(2) A detailed description of the economic support provided by the Government of Venezuela to the Government of Cuba and the intelligence and other support provided by the Government of Cuba to the Government of Venezuela.

(3) A review of the evidence of relationships between the Government of Cuba, or any of its components, and drug cartels, and of the involvement of the Government of Cuba, or any of its components, in other drug trafficking activities.

(4) A description of the status and extent of any clandestine activities of the Government of Cuba in the United States.

(5) A description of the extent of support by the Government of Cuba for governments in Venezuela, Bolivia, Ecuador, and Central America, including cooperation on cyber matters with such governments.

(6) A description of the status and extent of the research and development program of the Government of Cuba for biological weapons production.

(7) A description of the status and extent of the cyber warfare program of the Government of Cuba.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 1389.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 439, line 18, insert “, in consultation with the Chairmen and Ranking Mem-

bers of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

**SA 1390.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 848. REPORT ON PROHIBITION ON FIXED CONTRACT ESCALATION RATES IN CONTRACTS OF THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of prohibiting fixed contract escalation rates in contracts of the Department of Defense and using instead contract escalation rates tied to appropriate economic indices. The report shall include an estimate of the cost savings to be achieved by the Department through such prohibition and use.

(b) FIXED CONTRACT ESCALATION RATE DEFINED.—In this section, the term “fixed contract escalation rate” means an escalation rate for a contract that provides for escalation of the contract over annual or other periods at an unvarying rate fixed at the commencement of the contract.

**SA 1391.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 848. BEST PRICES FOR ITEMS TO BE PROCURED UNDER SPARE PARTS CONTRACTS.**

In procuring an item under a contract of the Department of Defense for spare parts that is entered into on or after the date of the enactment of this Act, the procurement officer administering the contract shall—

(1) if the item is available through the Defense Logistic Agency, compare the price of the item under the contract with the price of the item through the Defense Logistics Agency; and

(2) if the price of the item through the Defense Logistics Agency is less than the price of the item under the contract, procure the item through the Defense Logistics Agency rather than under the contract.

**SA 1392.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. ADEQUACY OF CONTRACTING OFFICER REPRESENTATIVES FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **ADEQUATE CONTRACTING OFFICER REPRESENTATIVES.**—The Secretary of Defense shall ensure that the Department of Defense has a number of contracting officer representatives assigned to overseas contingency operations that is sufficient to provide proper oversight of government contracts and to protect against waste, fraud, and abuse in government contracts.

(b) **REPORTS.**—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to Congress a report assessing the extent to which the number of contracting officer representatives assigned to overseas contingency operations during the preceding calendar year was sufficient to provide proper oversight of government contracts and to protect against waste, fraud, and abuse in government contracts.

**SA 1393.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 723. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

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

(1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of the administration of a vaccination required by the Department.

**SA 1394.** Mr. LAUTENBERG submitted an amendment intended to be

proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 595, beginning with line 3, strike through line 22 on page 599 and insert the following:

**SECTION 3301. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the Maritime Administration Authorization Act for Fiscal Year 2012.

(b) **AMENDMENT OF TITLE 46, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 3301. Short title; amendment of title 46, United States Code; table of contents.

Sec. 3302. Marine transportation system.

Sec. 3303. Short sea transportation program amendments.

Sec. 3304. Use of national defense reserve fleet and ready reserve force vessels.

Sec. 3305. Green ships program.

Sec. 3306. Waiver of navigation and vessel-inspection laws.

Sec. 3307. Ship scrapping reporting requirement.

Sec. 3308. Extension of maritime security fleet program.

Sec. 3309. Maritime workforce study.

Sec. 3310. Maritime administration vessel recycling contract award practices.

Sec. 3311. Prohibition on maritime administration receipt of polar icebreakers.

Sec. 3312. Authorization of appropriations for fiscal year 2012.

**SEC. 3302. MARINE TRANSPORTATION SYSTEM.**

(a) **REPORT ON STATUS OF SYSTEM.**—Section 50109(d) is amended to read as follows:

“(d) **MARINE TRANSPORTATION SYSTEM.**—

“(1) **REPORT ON WATERWAYS.**—Not later than October 1, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States’ marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure; and

“(ii) to improve the infrastructure; and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) **MARINE TRANSPORTATION.**—The Secretary may investigate, make determina-

tions concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term marine transportation includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

(b) **CONTAINER-ON-BARGE TRANSPORTATION.**—

(1) **ASSESSMENT AND REPORT.**—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration’s findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) **FACTORS.**—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) regional differences in the inland waterways system;

(C) existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) potential frequency of service at inland river ports.

**SEC. 3303. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.**

(a) **PROGRAM PURPOSE.**—Section 55601(a) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “congestion”.

(b) **DESIGNATION OF ROUTES.**—Section 55601(c) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “coastal corridors”.

(c) **PROJECT DESIGNATION.**—Section 55601(d) is amended to read as follows:

“(d) **PROJECT DESIGNATION.**—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

“(1) mitigates landside congestion; or

“(2) promotes more efficient use of the navigable waters of the United States.”.

(d) **DOCUMENTATION.**—Section 55605 is amended by striking “by vessel” and inserting “by a documented vessel”.

**SEC. 3304. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.**

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), is amended—

(1) in subsection (b)—

(A) by striking “or” in paragraph (4) after the semicolon;

(B) by striking the period at the end of paragraph (5) and inserting “; or”; and

(C) by adding at the end the following:

“(6) for civil contingency operations and Maritime Administration promotional and media events under subsection (f).”; and

(2) by adding at the end the following:

“(f) CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—The Secretary of Transportation may allow, with the concurrence of the Secretary of Defense, the use of a vessel in the National Defense Reserve Fleet for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events that are related to demonstration projects and research and development supporting the Maritime Administration’s mission, if the Secretary of Transportation determines the use of the vessel is in the best interest of the United States Government after—

“(1) considering the availability of the National Defense Reserve Fleet and Ready Reserve Force resources;

“(2) considering the impact on National Defense Reserve Fleet and Ready Reserve Force mission support to the defense and homeland security requirements of the United States Government;

“(3) ensuring that the use of the vessel supports the mission of the Maritime Administration and does not significantly interfere with vessel maintenance, repair, safety, readiness, or resource availability;

“(4) ensuring that safety precautions are taken, including indemnification of liability, when applicable;

“(5) ensuring that any cost incurred by the use of the vessel is funded as a reimbursable transaction between Federal agencies, as applicable; and

“(6) considering any other factors the Secretary of Transportation determines are appropriate.”.

#### SEC. 3305. GREEN SHIPS PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

##### “SEC. § 50307. Green ships program

“(a) IN GENERAL.—The Secretary of Transportation may establish a green ships program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) PROGRAM REQUIREMENTS.—The program shall—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be ap-

propriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the collection of fees, for the purposes of the program and its administration.

“(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

“(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation’s activities for which the fees were collected.

“(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the green ships program during the preceding fiscal year in the annual budget submission to Congress.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

“50307. Green ships program.”.

#### SEC. 3306. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(b) is amended by adding “A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.” after “prescribes.”.

#### SEC. 3307. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted into law by section 1 of Public Law 106-398; 16 U.S.C. 5405 note; 114 Stat. 1654A-490) is amended by amending subsection (f) to read as follows:

“(f) BRIEFINGS.—The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives on—

“(1) the progress made to recycle vessels;

“(2) any problems encountered in recycling vessels; and

“(3) any other issues relating to vessel recycling and disposal.”.

#### SEC. 3308. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term foreign commerce means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated by section 3308(a)(3) of this Act, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) Section 53102(b) is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

“(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2012, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

“(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After



consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

“(e) **TRANSFER OF OPERATING AGREEMENTS.**—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) **REPLACEMENT VESSELS.**—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking “and (C) \$3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) \$3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) \$3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) \$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

“(1) **IN GENERAL.**—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) \$186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) \$210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) \$222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) **EFFECTIVE DATE OF AMENDMENTS.**—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

#### SEC. 3309. MARITIME WORKFORCE STUDY.

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation’s maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation’s maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation’s maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### SEC. 3310. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration’s National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration’s qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration’s contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration’s vessel recycling process that the Inspector General deems appropriate to review.

#### SEC. 3311. PROHIBITION ON MARITIME ADMINISTRATION RECEIPT OF POLAR ICEBREAKERS.

Until the date that is 2 years after the date on which the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives receive the polar icebreaker business case analysis under subsection 307(f) of the Coast Guard Authorization Act of 2010 (14 U.S.C. 92 note), or until the Coast Guard has

replaced the Coast Guard Cutter POLAR SEA (WAGB 11) and the Coast Guard Cutter POLAR STAR (WAGB 10) with 2 in commission, active heavy polar icebreakers—

(1) the Administrator of the Maritime Administration may not receive, maintain, dismantle, or recycle either cutter; and

(2) the Commandant may not—

(A) transfer or relinquish ownership of either of the cutters;

(B) dismantle a major component of, or recycle parts from, the POLAR SEA, unless the POLAR STAR cannot be made to function properly without doing so;

(C) change the homeport of either of the cutters;

(D) expend any funds—

(i) for any expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for dock use or other goods and services;

(ii) for any personnel expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for a decommissioning officer; or

(iii) for any expenses associated with a decommissioning ceremony for either of the cutters;

(E) appoint a decommissioning officer to be affiliated with either of the cutters; or

(F) place either of the cutters in inactive status, including a status of—

(i) out of commission, in reserve;

(ii) out of service, in reserve; or

(iii) pending placement out of commission.

#### SEC. 3312. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2012.

There are authorized to be appropriated to the Secretary of Transportation for programs of the Maritime Administration the following amounts:

(1) **OPERATIONS AND TRAINING.**—For expenses necessary for operations and training activities, not to exceed \$161,539,000 for the fiscal year ending September 30, 2012, of which—

(A) \$28,885,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) \$11,100,000 is for maintenance and repair for training ships at State Maritime Schools, to remain available until expended.

(2) **MARITIME GUARANTEED LOANS.**—For administrative expenses related to loan guarantee commitments under chapter 537 of title 46, United States Code, not to exceed \$3,750,000, which shall be paid to the appropriation for Operations and Training, Maritime Administration.

(3) **SHIP DISPOSAL.**—For disposal of non-retention vessels in the National Defense Reserve Fleet, \$18,500,000, to remain available until expended.

**SA 1395.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of

planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

**SA 1396.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 529, in the table following line 16, strike the item relating to "Naval Station, Mayport".

On page 531, line 13, strike "\$2,641,457,000" and insert "\$2,626,459,000".

On page 531, line 16, strike "\$1,956,822,000" and insert "\$1,941,824,000".

On page 667, in the item relating to Massey Avenue Corridor Improvements, Mayport, Florida, strike "14,998" in the Senate Agreement column and insert "0".

On page 668, in the item relating to Total Military Construction, Navy, strike "2,172,622" in the Senate Agreement column and insert "2,157,624".

**SA 1397.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 535, between lines 17 and 18, insert the following:

**SEC. 2209. LIMITATION ON FUNDING FOR ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.**

None of the funds appropriated pursuant to the authorization of appropriations in section 2204 may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

**SA 1398.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.**

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPOR-

TATION IMPROVEMENTS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation."

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States Code.

**SA 1399.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 723. TREATMENT OF EYE WOUNDS SUSTAINED DURING COMBAT.**

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

(1) veterans who have sustained eye injuries resulting from combat operations are deserving of the highest quality health care and rehabilitation efforts;

(2) the Department of Defense should continue to vigorously pursue efforts to identify new care options for eye injuries sustained in combat operations; and

(3) support for vision rehabilitation and corneal wound research currently being done at hospitals and universities around the United States should continue to be a priority of the Department of Defense.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than June 1, 2012, the Comptroller General of the United States shall submit to Congress a report setting forth the following:

(1) An assessment of the impact of research funded by the Department of Defense on the development of new methods of treatment for eye wounds sustained during combat operations.

(2) An identification of gaps in current or planned research on methods of treatment

for eye wounds sustained during combat operations, and an assessment of the resources required to fill such gaps.

**SA 1400.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1089. REPORT ON PROPOSED FEDERAL AVIATION ADMINISTRATION RULE WITH RESPECT TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the following:

(1) An assessment of the effects of the proposed rule of the Federal Aviation Administration with respect to flightcrew member duty and rest requirements (as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852)) on Department of Defense operations.

(2) A description of—

(A) the efforts of the United States Transportation Command to inform the Administrator of the Federal Aviation Administration of concerns with respect to the application of the proposed rule; and

(B) the response, if any, received by the United States Transportation Command from the Administrator.

(3) An assessment of options available to the United States Transportation Command and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

**SA 1401.** Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount equal to the difference between the amount appropriated and the amount authorized to be appropriated for weapons activities for fiscal year 2012.

(b) **APPLICABILITY OF NOTIFICATION AND APPROVAL PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the procedures with respect to notification of and approval by Congress that apply generally to transfers of appropriations by the Department of Defense.

**SA 1402.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1230. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS IN PAKISTAN THAT SUPPORT ACTS OF INTERNATIONAL TERRORISM AND OTHER VIOLENT ATTACKS.**

(a) **LIST OF PERSONS IN PAKISTAN WHO ARE SUPPORTING TERRORISM.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a list of persons in Pakistan, including officials and former officials of the Government of Pakistan, that the President determines, based on credible evidence, are providing material support for, or are responsible for ordering, controlling, or otherwise directing, individuals or groups, including the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, and Al Qaeda, that carry out acts of international terrorism or other violent attacks against the Armed Forces of the United States, civilian personnel of the United States, or the civilian population or other populations of foreign nationals in Afghanistan, Pakistan, India, or the United States.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate committees of Congress an updated list under paragraph (1)—

(A) not later than 90 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(b) **IMPOSITION OF SANCTIONS.**—

(1) **INELIGIBILITY FOR VISAS.**—An alien on the list required by subsection (a), and any family member of such an alien, shall be ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States.

(2) **FINANCIAL SANCTIONS.**—The President shall impose, with respect to a person on the list required by subsection (a), sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property.

(c) **TERMINATION OF SANCTIONS.**—The President may terminate the sanctions imposed under subsection (b) with respect to a person on the list required by subsection (a) on the date on which the President determines and certifies to the appropriate committees of

Congress that the person no longer meets the criteria for inclusion in the list.

(d) **WAIVER.**—The President may waive the requirements of subsections (a) and (b) if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate committees of Congress an explanation for the waiver.

(e) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

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

**SA 1403.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 714. REPORT ON IMPLEMENTATION OF FLEXIBLE SPENDING ARRANGEMENTS FOR HEALTH AND DEPENDENT CARE FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other administering Secretaries, submit to Congress a report setting forth criteria and cost assessments for the implementation of flexible spending arrangements for members of the uniformed services with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) **ADMINISTERING SECRETARIES DEFINED.**—In this section, the term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

**SA 1404.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**Subtitle D—Pay and Allowances**

**SEC. 641. PAYMENT OF BENEFIT FOR DAYS OF PARTICIPATION IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM OMITTED FROM CALCULATION OF BENEFITS DUE TO GOVERNMENT ERROR.**

(a) **PAYMENT OF BENEFIT.**—Subject to subsection (b), the Secretary concerned shall make a payment of \$200 to each individual who participates as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program for each day of such participation that is determined by the Secretary concerned not to have been prop-

erly included in the calculation of benefits to which the individual is entitled for such participation due to Government error.

(b) **PAYMENT IN LIEU OF PRIOR AWARD OF ADMINISTRATIVE ABSENCE UPON ELECTION.**—

(1) **IN GENERAL.**—In the case of an individual who was awarded one or more days of administrative absence in connection with participation in the Post-Deployment/Mobilization Respite Absence program pursuant to a determination described in subsection (a) that was made before the date of the enactment of this Act, payment shall be made to the individual under subsection (a) only upon the election of the individual.

(2) **DECEASED INDIVIDUALS.**—In the case of an individual covered by paragraph (1) who is deceased—

(A) the election provided for the individual under paragraph (1) shall, if not previously made by the individual, be made by the survivor of the individual specified for payment of a death gratuity under section 1477(c) of title 10, United States Code; and

(B) the payment required by subsection (a) shall, if not previously paid the individual, be paid to the survivor described in subparagraph (A).

(3) **SCOPE OF ELECTION.**—An election under paragraph (1) with respect to an individual shall apply to all the days covered by the determination of the Secretary concerned described in that paragraph with respect to the individual. An election under paragraph (1) is irrevocable.

(4) **PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.**—An individual receiving a payment under subsection (a) with respect to a day of participation in the Post-Deployment/Mobilization Respite Absence program shall not be entitled to a day of administrative absence for such day of participation as otherwise described in paragraph (1).

(c) **CONSTRUCTION WITH OTHER PAY.**—Any payment with respect to an individual under this section is in addition to any other pay provided by law.

(d) **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).

**SA 1405.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. DESIGNATION OF ELLINGTON FIELD, TEXAS, AS A JOINT RESERVE BASE.**

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

(1) Ellington Field is an installation strategically located in Houston, Texas, and utilized by all branches of the Armed Forces.

(2) In recent years, military and other Federal personnel numbers at Ellington Field have grown dramatically, from approximately 1,500 in 2008 to more than 6,000 in fiscal year 2011. In fiscal year 2013, it is anticipated that an additional 300 active duty United States Coast Guard personnel will be stationed at Ellington Field, upon completion of a new facility.

(3) Ellington Field also hosts components of the National Aeronautics and Space Administration (NASA) and the Department of Homeland Security.

(4) Ellington Field entities facilitate National Disaster Medical System operations for NASA, the Michael E. DeBakey Veterans Affairs Medical Center, the Federal Emergency Management Agency, and local responders, while also playing a key role in evacuation plans and emergency response activities across the Gulf Coast region.

(5) Working with the Houston Airport System, Ellington Field has sustained a buffered zone around the installation, resulting in the City of Houston establishing Airport Land Use Regulations to ensure that future developments in the area will not encroach on operations at Ellington Field.

(6) Ellington Field also possesses substantial flight line surge capacity, with more than 32 acres of recently renovated ramp, hangar, alert, and support aircraft space to accommodate numerous fixed-wing cargo and fighter aircraft in emergency situations.

(7) The Texas Air National Guard 147th Reconnaissance Wing, based at Ellington Field, manages the Ellington Airport control tower and mission, which covers Mission Operations Area W-147 over the Gulf of Mexico, providing an unrivaled 25,000 square miles of 50,000-foot altitude training airspace for primary use by Department of Defense aviation training.

(8) The Houston, Texas, area is the only region in the United States to possess all 17 asset categories identified by the Department of Homeland Security as prime asset terrorist target threats. These assets include the Port of Houston, Galveston Bay, petrochemical plants providing 46 percent of United States production, refining facilities, NASA, the Houston Medical Center, four United States Strategic Petroleum Reserve facilities, nuclear power facilities, major sports venues, and others.

(b) DESIGNATION AS JOINT RESERVE BASE.—The Secretary of Defense shall designate Ellington Field, Texas, as a Joint Reserve Base.

**SA 1406.** Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. INPATIENT HEALTH CARE AT THE SOUTH TEXAS VETERANS AFFAIRS HEALTH CARE CENTER.**

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

(1) The current and future health care needs of veterans residing in the Far South Texas area are not being fully met by the Department of Veterans Affairs.

(2) The Department of Veterans Affairs estimates that more than 117,000 veterans reside in Far South Texas.

(3) In its Capital Asset Realignment for Enhanced Services study, the Department of Veterans Affairs found that fewer than 3 percent of its enrollees in the Valley-Coastal Bend Market of Veterans Integrated Service Network 17 reside within its acute hospital access standards.

(4) Travel times for veterans from the market referred to in paragraph (3) can exceed 6

hours from their residences to the nearest Department of Veterans Affairs hospital for acute inpatient health care.

(5) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(6) Current deployments involving members of the Texas National Guard and other members of the reserve components of the Armed Forces who reside in Texas will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility and, if necessary, shall modify the existing facility to meet this requirement.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report outlining the specific actions the Secretary plans to take to satisfy the requirements in subsection (b), including a detailed estimate of the cost of such actions, if any, and the time necessary for completion of any modification required by such subsection

**SA 1407.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. PROHIBITION ON USE OF FUNDS FOR NEWLY DESIGNED FLIGHT SUIT.**

None of the funds authorized to be appropriated by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

**SA 1408.** Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1230. ENHANCED REPORTING BY SIGAR ON WOMEN'S RIGHTS IN AFGHANISTAN.**

Section 1229(i) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 5 U.S.C. App. 8G note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) REPORTING ON STATUS OF WOMEN'S RIGHTS.—The report required under paragraph (1) shall include information on wom-

en's rights in Afghanistan, including a detailed discussion of issues involving violence against women, educational opportunities, including access to schools, for girls, women's healthcare, voting rights, and other gender-equality issues facing reconstruction efforts in Afghanistan.”.

**SA 1409.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 555. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.**

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: “However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.”; and

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

“(d) PROTECTION OF INNOCENT CHILD IN UTERO IN EXECUTION OF SENTENCE OF DEATH.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries an innocent child in utero.

“(e) INNOCENT CHILD IN UTERO DEFINED.—In this section, the term ‘innocent child in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

**SA 1410.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 555. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.**

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: “However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.”; and

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

“(d) INNOCENT CHILD IN UTERO DEFINED.—In this section, the term ‘innocent child in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

**SA 1411.** Mr. BLUNT (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the

bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CHILD INTERSTATE ABORTION NOTIFICATION ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Child Interstate Abortion Notification Act”.

(b) **TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.**—Title 18, United States Code, is amended by inserting after chapter 117 the following:

**“CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION**

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to abortion.

“2432. Transportation of minors in circumvention of certain laws relating to abortion.

**“§ 2431. Transportation of minors in circumvention of certain laws relating to abortion**

“(a) **OFFENSE.**—

“(1) **GENERALLY.**—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor’s abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

“(2) **DEFINITION.**—For the purposes of this section, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State or a foreign nation other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

“(b) **EXCEPTIONS.**—

“(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

“(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 of this title based on a violation of this section.

“(c) **AFFIRMATIVE DEFENSE.**—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—

“(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor’s abortion decision, had the abortion been performed in the State where the minor resides; or

“(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor’s State of

residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

“(d) **CIVIL ACTION.**—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

“(e) **DEFINITIONS.**—For the purposes of this section—

“(1) the term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

“(2) the term ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court; and

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision;

“(4) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor’s abortion decision as a person to whom notification, or from whom consent, is required; and

“(5) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

**“§ 2432. Transportation of minors in circumvention of certain laws relating to abortion**

“Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both. For the purposes of this section, the terms ‘State’, ‘minor’, and ‘abortion’ have, respectively, the definitions given those terms in section 2435.”.

(c) **CHILD INTERSTATE ABORTION NOTIFICATION.**—Title 18, United States Code, is amended by inserting after chapter 117A the following:

**“CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION**

“Sec.

“2435. Child interstate abortion notification.

**“§ 2435. Child interstate abortion notification**

“(a) **OFFENSE.**—

“(1) **GENERALLY.**—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

“(2) **PARENTAL NOTIFICATION.**—A physician who performs or induces an abortion on a

minor who is a resident of a State other than the State in which the abortion is performed must provide, or cause his or her agent to provide, at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not accomplished after a reasonable effort has been made, at least 24 hours constructive notice must be given to a parent before the abortion is performed.

“(b) **EXCEPTIONS.**—The notification requirement of subsection (a)(2) does not apply if—

“(1) the abortion is performed or induced in a State that has, in force, a law requiring parental involvement in a minor’s abortion decision and the physician complies with the requirements of that law;

“(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor’s State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

“(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect;

“(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself, but an exception under this paragraph does not apply unless the attending physician or an agent of such physician, within 24 hours after completion of the abortion, notifies a parent in writing that an abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph; or

“(5) the minor is physically accompanied by a person who presents the physician or his agent with documentation showing with a reasonable degree of certainty that he or she is in fact the parent of that minor.

“(c) **CIVIL ACTION.**—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

“(d) **DEFINITIONS.**—For the purposes of this section—

“(1) the term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

“(2) the term ‘actual notice’ means the giving of written notice directly, in person, by the physician or any agent of the physician;

“(3) the term ‘constructive notice’ means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

“(4) the term ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court;

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(5) the term ‘minor’ means an individual who has not attained the age of 18 years and who is not emancipated under the law of the State in which the minor resides;

“(6) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides; as determined by State law;

“(7) the term ‘physician’ means a doctor of medicine legally authorized to practice medicine in the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

“(8) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.”

(d) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431

“117B. Child interstate abortion notification ..... 2435”.

(e) SEVERABILITY AND EFFECTIVE DATE.—

(1) The provisions of this section shall be severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the section not so adjudicated.

(2) This section and the amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 1412. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY submitted an amendment intended to be proposed by him to the S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, beginning on line 14, strike “not more than 15 contracts or cooperative agreements” and insert “not more than 5 contracts or cooperative agreements per Army industrial facility”.

SA 1413. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1243. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS BY FOREIGN ENTITIES OF SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity that engages in an act described in subsection (a) if the parent company divests or terminates its business with the entity not later than 90 days after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term “parent company” means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in the entity.

SA 1414. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. KIRK)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

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

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, “The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making

these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.”

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, “Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.”

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as of primary money laundering concern for purposes of section 5318A of title 31, United States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country including a central bank of a foreign country, only insofar as it engages in transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced

in countries other than Iran in the 60-day period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of the Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”);

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran’s conventional, nuclear, chemical or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or jurisdiction within the United States.

**SA 1415.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 402. REPORT ON ANTICIPATED REDUCTIONS IN END-STRENGTH LEVELS FOR UNITED STATES FORCES IN RESPONSE TO POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on potential reductions in end-strength levels for United States forces that would occur as a result of any potential reductions in funding for the Department of Defense.

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

(1) A description of the reductions in end-strength levels for United States forces anticipated in response to potential reductions in funding for the Department of Defense, including an assessment of the impact of such reductions in end-strength levels on the size and readiness of the ground forces.

(2) An explanation of the strategic rationale for such reductions.

(3) An explanation of the standards to be used in determining and implementing such reductions, and the resultant force structure mix, over the course of the future-years de-

fense program submitted to Congress in fiscal year 2012.

(4) A summary of the risks such reductions pose to the capacity of the Armed Forces to execute the National Defense Strategy or any particular role or mission under that strategy.

(5) A summary of plans to manage the risks summarized under paragraph (4), including, in particular, plans for mechanisms to ensure the timeliness of any expansion of United States forces required in the event of a crisis and to expand the reserve components.

(6) A description of any differences in opinion on the matters covered by paragraphs (1) through (5) from the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff of the Armed Forces, and the commanders of the combatant commands.

(7) Such other matters relating to such reductions as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “potential reductions in funding for the Department of Defense” means the following:

(1) The reductions in funding for the Department of Defense that will occur over the next 10 years under implementation of the initial phase of the Budget Control Act.

(2) Any additional reductions in funding for the Department of Defense that could occur over the next 10 years under the sequestration mechanism of the Budget Control Act.

**SA 1416.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it

deems desirable," and inserting "annually to its Board and supporting organizations referred to in subsection (a)(2)".

**SA 1417.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 25, add the following:

(e) **RETENTION OF DOCUMENTARY EVIDENCE.**—The policy developed under subsection (a) shall provide for the retention of documentary evidence relating to sexual assaults for at least the same length of time investigative records relating to reports of sexual assaults of that type (restricted or unrestricted reports) are required to be retained.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 1, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Deficit Reduction and Job Creation: Regulatory Reform in Indian Country".

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### PRIVILEGES OF THE FLOOR

Mr. WEBB. Mr. President, I ask unanimous consent that Neely Marcus Silbey of Senator MURRAY's staff be granted floor privileges for the duration of the 112th Congress.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Joel Garrison, a legislative fellow in Senator WYDEN's office, be granted floor privileges during the consideration of S. 1867.

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

#### MEASURE READ THE FIRST TIME—S. 1917

Mr. LEVIN. I understand that S. 1917, which was introduced earlier today by Senator CASEY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1917) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. LEVIN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time on the next legislative day.

#### ORDERS FOR TUESDAY, NOVEMBER 29, 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, November 29, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved until later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up

to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act, with Senator UDALL of Colorado being recognized, as provided under the previous order; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; finally, that the first-degree filing deadline for S. 1867 be at 2:30 p.m. on Tuesday.

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

#### PROGRAM

Mr. LEVIN. Mr. President, Senators should expect rollcall votes throughout the day tomorrow in relation to amendments to the Defense authorization bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Tuesday, November 29, 2011, at 10 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate November 28, 2011:

##### THE JUDICIARY

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.