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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 29, 2011, at 2 p.m.

Senate

MONDAY, NOVEMBER 28, 2011

The Senate met at 1 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Mighty God, as we convene the Senate today, after a time of thanksgiving, please give every Member of this body a desire to bring great honor to You. As significant issues are discussed in this Chamber, let there be cordiality and civility, wisdom and courage, humility and faith.

Lord, make our Nation a shining example of positive compromise and constructive cooperation. Bring to each one serving on Capitol Hill the wisdom to see what can be done for the good of our Nation and world when Your ways become our ways.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF BUSINESS

Mr. REID. Mr. President, I see the two managers of the Defense bill are on the floor today. The Republican leader is going to be here in a few minutes to give a speech. I am going to give one, but it should not take long. Then we can get to the bill.

RESERVATION OF LEADER TIME

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

The majority leader.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 1867, the Defense authorization bill. At 5 p.m., the Senate will be in executive session to consider the nomination of Christopher Droney to be a U.S. circuit judge for the Second Circuit. At 5:30 p.m., there will be a vote on that nomination.

PAYROLL TAX CUT EXTENSION

Mr. REID. Mr. President, I trust that the Acting President pro tempore and all of our staff, everyone in this great Capitol complex, had a safe and happy holiday. I hope everyone is well rested because we have a difficult work period ahead of us. We have much to do over the next few weeks with the Hanukkah and Christmas holiday quickly looming ahead.

This week we need to finish the work on the Defense authorization bill and even more. This month we will also handle a number of nominations and extend unemployment insurance for Americans still struggling to find work during these difficult times, and we have more appropriations work to do.

The continuing resolution to fund the government expires on December 16. We must not neglect the responsibility to continue our work to put

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

Americans back to work. So we will take up additional pieces of President Obama's American Jobs Act.

This week we will introduce legislation that would give the economy a boost by putting money back in the pockets of middle-class workers and small businesses by extending and expanding the popular payroll tax cut. More than 120 million families took home an extra $120 billion this year thanks to this payroll tax cut we championed. The average family held on to more than $935 of their hard-earned dollars this year. We need to assure those families they can rely on that tax cut next year as well. This legislation does more than just protect the tax cuts Americans already count on; it deepens and expands that tax relief as well.

Next year, 120 million American families will keep an average of $1,500 because of this legislation. That means they will have more money to spend on essentials such as gas and food and buy things that will help spur economic growth in their communities.

Businesses will also benefit from this tax cut. Ninety-eight percent of American businesses will see their payroll taxes cut in half on their first $5 million of wages that they pay.

In Nevada, 50,000 businesses will benefit from this tax cut and many businesses will save tens or even hundreds of thousands of dollars. So this legislation will help families and businesses while spurring hiring and giving the economy a boost. It will be fully paid for with the small 3.25-percent surtax on income over $1 million. So a person who makes $1 million a year won't pay an extra penny. Someone who makes $1.1 million—that is an extra $100,000—will pay $3,250 more than they would have originally.

At a time when many working families are still struggling, we cannot afford not to extend and expand this important payroll tax cut. So I was disappointed to hear from some of my Republican colleagues, specifically the junior Senator from Arizona, who have already come out in opposition to this tax cut. I think it is fair to say that all Republicans have not, but my friend from Arizona did. This is wrong.

Those who loudly claim to care about keeping taxes low, too often it seems they only care about keeping taxes low for the richest of the rich. The same Republicans who today oppose a payroll tax cut for hundreds of millions of businesses and families last week jettisoned the hopes of a large-scale deficit reduction deal in the supercommittee because they insisted on massive, permanent tax giveaways for the rich. Cutting taxes for the middle-class families and businesses should be an area where Republicans and Democrats can find common ground, as we have in the past.

The opposition by Republicans is because this tax cut has President Obama's fingerprints on it. It was his idea. Republicans will not support it even though they know it is good policy for American families and businesses. Let's hope that is not the case for all of my friends.

Let's examine the effects of their purely political opposition to a commonsense tax cut. If Republicans block passage of this legislation, they will take money out of the pockets of American families. That is clear. For a family making $50,000 a year, this proposal we talked about would not only preserve an existing $935 tax break, it would put an additional $565 a year in the family coffers. If the Republicans get their way, that family will actually see its tax increase by $1,000.

If Republicans block this legislation, 120 million American families and 98 percent of American businesses will not get the tax cut next year. Instead, 120 million families and millions of businesses will be hit with a tax increase. Those numbers are startling. They are shocking. But the potential impact on the larger economy is downright scary.

Economist Mark Zandi of Moody's said the economy will likely plunge back into a full-blown recession—erasing the economic progress we have made—if we don't extend that cut.

It is clear neither our fragile middle class nor our fragile economic recovery can afford the kind of setback a failure to extend and expand these would bring. Republicans say we cannot afford to raise these taxes. If they choose to oppose this payroll tax cut, we will know what they meant to say was: We cannot afford to raise taxes on the rich. In fact, more clearly, we cannot afford to raise taxes on the rich, but we are happy to raise taxes on the middle class.

Mr. President, please announce the business of the day.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The assistant legislative clerk read as follows:

A 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.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall of Colorado amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, AK.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shaheen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown of Massachusetts/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown of Massachusetts) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service.

McCain (for Brown of Massachusetts)) amendment No. 1089, to require certain disclosures from postsecondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall of New Mexico amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall of New Mexico amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall of New Mexico/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, OR.

Wyden amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the United States force posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short takeoff vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the United States European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technicians as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for

members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Levin (for Menendez) amendment No. 1292, to require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown of Ohio) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown of Ohio) amendment No. 1260, to strike 846, relating to a waiver of ''Buy American'' requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Levin (for Brown of Ohio) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown of Ohio) amendment No. 1262, to clarify the meaning of ''produced'' for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States.

Levin (for Brown of Ohio) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson of Florida) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation.

Levin (for Nelson of Florida) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, FL.

Levin (for Nelson of Florida) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson of Florida) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE Program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C–23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal year 2012.

Harry Reid, Carl Levin, Kent Conrad, Richard Blumenthal, Claire McCaskill, Kay R. Hagan, Joe Manchin, Kirsten E. Gillibrand, Mary L. Landrieu, Ben Nelson, Joseph I. Lieberman, Bill Nelson, Jim Webb, Jack Reed, Christopher A. Coons, Mark Begich, Jeanne Shaheen.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Republican leader be recognized to offer his statement as if during leader time, that there be no parliamentary efforts on his behalf at this time, and that when he finishes his leader statement, I have the floor.

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

RECOGNITION OF THE MINORITY LEADER

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

WORKING TOGETHER

Mr. MCCONNELL. Mr. President, first I wish to welcome everybody back. I hope everyone had a nice Thanksgiving.

Shortly before we all left last week, we got some disappointing news when the Joint Select Committee on Deficit Reduction announced it was unable to reach the kind of bipartisan agreement many of us had been hoping for. As I said then, this was a major disappointment to those of us who had hoped the joint committee would ultimately agree to the kinds of serious entitlement reforms and job-creating tax reforms that all of us know would have been a big help in getting our fiscal house in order and in jolting this economy back to life. Such an agreement would have also sent a clear message to the American people and to the world that despite our many differences, lawmakers here are capable of coming together and making the kinds of very tough decisions about our Nation's economic future that continue to elude lawmakers in Europe.

I know for a fact that Republicans wanted this committee to deliver, and the good news is that we will still see $1.2 trillion in deficit reduction. But, frankly, it is hard to escape the conclusion that some in the White House and even some Democrats here in the Senate were rooting for failure and doing what they could to ensure that failure occurred. I mean, what else are we supposed to think when the Democrats' top political strategist here in the Senate goes on national television and predicts failure 2 weeks ahead of the deadline and then comes right out and says—yesterday—that he thinks the outcome he predicted is good politically for the President? This stuff isn't rocket science, but it is a big mistake. It might seem like a good political strategy to some, but it is bad for the country.

That is why I am continuing my call today for the Democrats who control the Senate to work with us on jobs legislation that can actually pass here in the Senate and that can get us beyond the permanent campaign by actually getting something done by working together. For the past several weeks, I have implored the Democratic majority here in the Senate to work with us on a number of job-creating bills that have already attracted strong bipartisan support over in the House. It seems to me that if the two parties share control of power in Washington, we should spend our time and our energies identifying job-creating measures the two parties do agree on and make them law.

It is no secret that many people at the White House and a number of Democrats here in the Senate would still rather spend their time designing legislation to fail in the hopes of trying to frame up next year's election. But with all due respect to the political strategists over at the White House, I think most Americans would rather we took an entirely different approach. That is why I think we should put aside the massive stimulus bills along with the permanent tax hikes Democrats are calling for in order to pay for them. In fact, I think it is safe to say that any attempt to pass another temporary stimulus funded by a permanent tax hike on the very people we are counting on to create the private sector jobs we need in this country is purely political and not intended to do a thing to

help the economy since we already know it is likely to fail with bipartisan opposition.

Let's focus instead on the kinds of targeted bipartisan bills the President quietly agreed to last month: the 3-percent withholding bill, championed by Senator SCOTT BROWN, and the veterans hiring bill. As I have pointed out again and again, the House has been busy all year passing bipartisan jobs bills just like these that we can rally around in a sign of unity and common concern for the millions of Americans who are looking for jobs. There is no reason we shouldn't focus on passing these bills rather than using the Senate floor as the stage for symbolic show votes that we know won't lead to anything except more tension and political acrimony. We should do what we were sent here to do, and that means more bill signings and fewer bus tours.

At the moment, the Senate business is the Defense authorization bill, and there is a lot of work that needs to be done. We have a lot of amendments pending on this important legislation. Members on both sides would like to see these amendments taken up and voted on. So let's stay on this legislation and focus on doing it right. Let's show we can actually legislate around here. Once we are finished, I am hoping we will be able to find a bipartisan path to resolve the other issues before us before the end of the year.

Americans are growing tired of the same old political shouting matches and political brinkmanship that has marked this Democratic-led Senate over the past few years. They are tired of careening from one crisis to another, holding their breath in the hopes that the two parties will put their differences aside and work something out at the eleventh hour, only to be disappointed when Democrats decide they would prefer to have a political issue to run on rather than solutions to vote on.

At last count, House Republicans had passed 22 jobs bills which were designed not only to incentivize the private sector to create jobs but which were also designed to attract strong bipartisan support. In other words, they have been designing legislation to actually pass. They have been legislating with an eye toward making a difference instead of simply making a point. What I am saying is let's follow their lead. Let's come together and pass more bipartisan jobs bills and show the American people we are not going to settle for the easy way out. The economic crisis we face is much too serious for more of the same.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask unanimous consent that the Senate be in a period of debate only on the DOD authorization bill until 5 p.m. today.

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

Mr. LEVIN. Mr. President, I see that Senator WEBB is on the floor. I know he is going to be making some remarks in a few moments. I would urge other colleagues of ours to do the same. We are in a period now where debate is in order on any of the amendments, whether they are pending or not pending or whether they have been filed and not been made pending. This is an opportunity which is going to end, hopefully, on Wednesday morning when we vote cloture.

We must get this bill passed. It is critically important to our men and women in uniform. They deserve to have a defense authorization bill passed. So I would urge colleagues who have amendments they have filed to come to the floor this afternoon to debate their amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Virginia.

Mr. WEBB. Mr. President, I rise as the chairman of the Subcommittee on Personnel of the Armed Services Committee to speak on our bill. I would like to begin my comments on this national defense authorization by saying what a privilege and an honor it has been to work with Chairman LEVIN and Senator MCCAIN.

I say this as someone who spent 4 years as a committee counsel in another era and then another 5 years in the Pentagon, 4 of them as Assistant Secretary of Defense, and Secretary of the Navy working with the Congress, and finally as a Member of the Senate. I believe Chairman LEVIN is the epitome of what a chairman, a full committee chairman of the Senate should be.

I have known Senator MCCAIN for many years. As one would expect, we have not agreed on some political issues. But I have also enormous regard for Senator MCCAIN as well. I would like to also thank members of the Personnel Subcommittee, especially the ranking member, Senator GRAHAM, for the work they have done in preparing this legislation. I would also like to thank our staff: Gary Leeling, John Clark, and Brie Fahrer for all of the hard work they have done in order to bring this bill forward.

Members of the Personnel Subcommittee, as well as our colleagues on the full committee, have worked together in a collaborative way to improve the quality of life of our men and women in uniform and of their families. Senator GRAHAM and I share the goal of doing everything we can to address the needs of our active duty, National Guard, and Reserve members, DOD civilian personnel, and their family members. They have answered every call and met every mission asked of them with selfless service.

The Personnel Subcommittee provisions in this bill are a result of a bipartisan team effort. The bill includes many provisions important to the quality of life for our service members and their families. I would like to highlight just a few:

The bill authorizes $174.6 billion for military personnel and health care, $5.1 billion more than what Congress authorized last year, and $480 million under the President's budget request;

the bill authorizes an across-the-board military pay raise of 1.6 percent, which matches the annual increase in the Economic Cost Index. I understand that all of America is suffering in these economic times, and the Federal workforce is currently under a pay freeze. However, this pay raise for our service members reflects their unique conditions of service and special sacrifices on behalf of the Nation during the prolonged combat operations of the past 10 years;

the bill reauthorizes more than 30 types of bonuses and special pays aimed at encouraging recruiting and retention of the highest caliber individual;

the bill authorizes fiscal year 2012 active-duty end strength of 562,000 for the Army; 325,700 for the Navy; 202,100 for the Marine Corps; and 332,800 for the Air Force;

the bill authorizes a total of $30 million for supplemental impact aid, including $25 million for heavily impacted schools, and $5 million for schools with military children with severe disabilities;

the bill authorizes service secretaries to mobilize Reserve component units and personnel for preplanned and budgeted missions to enhance the use of the operational Reserve;

the bill requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy on the retention of and access to evidence and records relating to sexual assaults involving service members;

the bill prohibits the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board, PEB, to be fit for duty but who is subsequently determined to be unsuitable for continued military service for conditions considered by the PEB;

the bill also includes important provisions that will help the Department achieve cost savings and realize efficiencies in its military personnel and health care accounts, including:

reducing the overall active-duty end strength by almost 10,000, and authorizing force management tools to facilitate further force reductions planned over the next several years;

consolidating and reforming the existing statutory framework related to travel and transportation allowances for services members, their families, and other authorized travelers to achieve efficiencies and savings in the travel area;

requiring hostile fire pay and imminent danger pay be prorated based on the number of days spent in a qualifying area; and

requiring that beneficiaries newly enrolled in the Uniformed Services Family Health Plan transition to TRICARE for Life when they become eligible for Medicare, the same as all other military retirees.

Finally, I wish to highlight what I consider to be the moral contract we have with the men and women of the military who volunteer to wear the cloth of our Nation in military service.

While the department properly insists on providing the highest quality health care, an imperative reflected in the provisions of this bill, we are also mindful of sharply rising health costs. As the Secretary of Defense testified earlier this year, there has been a nearly three-fold increase, 276.3 percent, in Defense health care costs over the last decade, from $19 billion in 2001 to $52.5 billion in the President's budget request this year.

A number of factors have driven this increase, including several important enhancements to the TRICARE program and other initiatives specifically focused on meeting the medical and health-care needs of a force that has been subjected to the unrelenting strain of 10 years of combat operations.

It is important to note, however, that such cost increases are not unique to the Department of Defense. Similar cost growth has also occurred in civilian health care programs during the same period. According to the Centers for Medicare and Medicaid Services, total U.S. health expenditures from 2000 to 2009 have increased by 181 percent, from $1.37 trillion in 2000 to $2.48 trillion in 2009.

My colleagues on the subcommittee and full committee considered this issue very carefully during our markup of this bill. I believe we have struck a reasonable and appropriate balance. This bill does not prohibit the pharmacy copayment changes, for example, or TRICARE Prime enrollment fees proposed by the administration, but it does limit annual increases in the Prime enrollment fee to the cost of living increase in retired pay, beginning in fiscal year 2013.

Looking ahead, I believe the Department of Defense can reduce its health care costs in a number of ways, including more efficient operations. Those options should be explored carefully before contemplating major changes to today's program for the sake of so-called budget efficiencies if we are to maintain our moral contract with our service members.

I know that many of my colleagues plan to offer a number of amendments to this bill, and I look forward to working with them to make this bill even better.

Congress has passed a defense authorization bill for 49 consecutive years. I urge my colleagues to make it 50 and pass this important legislation as quickly as possible.

I point out that we have done the best job we can do in terms of bringing a bill to the floor that will take care of the needs of the men and women who serve in our military and the national security needs of our Nation. I know we are going to go into a period pretty soon where we are going to be going through the defense budget as well as the other areas of the expenditures of this country.

I just hope people will keep in mind, as we start making comparisons with military service versus civilian service, that military service is unique in this country in more ways than sometimes we recognize. I remember when I first came to the Senate hearing the report of the Dole-Shalala Commission on Military Compensation. There was a great deal of comparison with respect to how they develop compensation analysis in the civilian sector.

Something we have to remember when we look at the areas of the U.S. military, particularly on the manpower personnel side, is a person cannot pick their job. Many people come in because they want to spend a portion of their lives serving their country. They cannot decide, if they do not like who they are working for, that they want to leave. They cannot quit their job. They cannot decide they do not want to be transferred if they are being sent to a place they do not want to go. By the way, they might get shot at, blown up, or killed.

This is a unique environment. We tend to forget this when budget cuts come or when the hostilities fade away, that we have an obligation to be the lifetime stewards of the people who have stepped forward and put themselves on the line on behalf of our country.

There are provisions in this authorization bill that relate particularly to our basing system in Asia. I have spent a good part of my life working on these issues. I would like to say right at the outset that I strongly advocate a strategy-driven review of all of our bases around the world. I think we need to do a zero sum analysis based on our strategy as to which bases we should keep in operation and which ones perhaps we should not. But there is a unique situation that exists at the moment in terms of the vital interests we have as the key balancing force in Asia, and we have been working on this.

We have developed—the chairman, Senator MCCAIN, and myself have worked very hard to develop language in this legislation that would call for an independent review of the basing proposals that have been on the table in Korea and Okinawa and Guam. Particularly, with the situation on Okinawa, this has become an issue that is larger than simply American military bases in Japan. The inability of our two governments to have come up with a workable solution to the basing system on Okinawa has created one of the most difficult domestic political situations inside Japan today. This has been going on for 15 years. There have been 15 years of uncertainty. We need to move forward in a timely manner. It cannot be kicked down the road any longer.

We have a formula inside this authorization bill which will allow independent eyes to come in and do an analysis of where these bases need to go, sort of a step away from the turf protection one often sees among the military services inside the Pentagon. There is also going to be considered, possibly as early as later today, an amendment that will allow the Chief of the National Guard Bureau to become a full member of the Joint Chiefs of Staff.

I oppose this amendment. I am going to take some time to explain this. I realize this is a moving train. I think we have 70 cosponsors on this amendment. But I have offered a second-degree amendment which would basically say let's take a timeout. Let's get another look. Let's look at the potential implications of putting the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff.

I say this as someone who has, as all of us, a tremendous regard for what the National Guard has been doing not only over the past 10 years but through the course of our entire history. One tends to forget, because of the lack of the use of the National Guard during the Vietnam war, that our history has been marked by instances of the National Guard stepping forward to serve during war. They were the preponderance of our military forces in World War I and World War II once mobilization was declared. They sent 100,000 people into Korea.

Again, I say this as someone who spent 3 years as the principal adviser to the Secretary of Defense and Guard and Reserve programs when Cap Weinberger was Secretary of Defense. I was the First Assistant Secretary of Defense for Reserve Affairs.

The National Guard is a unique composite. To put the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff, in my view and in the view of all of the Joint Chiefs and the Secretary of Defense, would be confusing. In the words of Secretary Panetta, it ''would not improve upon this advisory function or advance the statutory purpose, rather it would introduce inconsistencies among the JCS members and potentially negatively affect the formulation of an integrated joint force by fostering the impression that the National Guard is a separate service.''

All of the Joint Chiefs agree on this position. In fact, the hearing we had on this issue was the only hearing in modern memory where all of the Joint Chiefs showed up to state their views.

I ask unanimous consent that letters from the Joint Chiefs, from the Secretary of Defense, and from two of the three Service Secretaries be printed in the RECORD stating that opposition.

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

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, November 15, 2011.

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

DEAR MR. CHAIRMAN: Thank you for your request for the Department's views on S.

1025, the ''National Guard Empowerment and State-National Defense Integration Act of 2011.'' I share the view of the many supporters of this bill that our citizen soldiers and airmen play a critical role both at home and abroad. Although I support further strengthening our National Guard, I do not agree with the approach taken by this bill to accomplish that laudable goal.

Section 2 of the bill grants the Chief of the National Guard Bureau membership on the Joint Chiefs of Staff. I oppose this change. The Chief of the National Guard Bureau currently serves as a valuable advisor to me on the National Guard's non-federalized homeland defense mission and to the Secretaries and Chiefs of Staff of the Army and Air Force on all National Guard activities. Making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS) would not improve upon this advisory function or advance the statutory purpose of the JCS. Rather, it would introduce inconsistencies among the JCS members and potentially negatively affect the formation of an integrated Joint Force by fostering the impression that the National Guard is a separate service.

There are some aspects of the bill that the Department does support. In an effort to further improve the National Guard Bureau's effectiveness, for example, the Department would support establishing a Vice Chief of the National Guard Bureau, to serve in the grade of lieutenant general.

The Department has prepared a detailed letter outlining additional concerns with the legislation which is being sent to you separately.

Sincerely,

LEON E. PANETTA.

DEPARTMENT OF THE ARMY,
Washington DC, November 7, 2011.

Hon. JIM WEBB,
Chairman, Subcommittee on Personnel, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear MR. CHAIRMAN: Thank you for your November 2, 2011 letter requesting our views on the ''National Guard Empowerment and State—National Defense Integration Act of 2011.'' We oppose including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Our Army is the strength of the Nation because of its unity, versatility, and depth as the Total Army. It is absolutely vital that we maintain One Army in today's uncertain and complex strategic environment. We learned this lesson in the aftermath of the Vietnam War, and together with the All-Volunteer Force, the Total Army continues to serve our Nation extremely well during challenging times. With this context, coupled with 35 years of lessons, we have several reasons for opposing the CNGB as a member of the JCS.

First, representing only two (Army National Guard and Air Force National Guard) of seven Reserve Components at the Joint Chiefs of Staff level creates circumstances that will contribute to confusion and imbalance for the United States Army Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Navy Reserve and the United States Coast Guard Reserve (which are all adequately represented by their Military Departments), and challenges interoperability. Seating the Chief of the National Guard Bureau at the Joint Chiefs of Staff could also result in over-representation of Army and Air Force concerns.

We realize you are very familiar with the 2006–2007 debate before the Commission on the National Guard and Reserve on making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. We firmly believe the Commission's findings still hold true today: this change ''. . . would run counter to intra- and inter-service integration and would reverse progress toward jointness and interoperability. . . .''

Second, we feel that the proposed legislation will complicate the central and enduring principle of civilian control of our nation's military. It is important that the Secretary of the Army and the Chief of Staff of the Army have clear authorities and responsibilities to ensure effective and efficient employment of the force. Adding the Chief of the National Guard Bureau as a full voting member of the Joint Chiefs of Staff will confuse the lines of authority currently in place.

Third, this legislation could effectively be creating a de facto separate domestic military Service by elevating the Chief of the National Guard Bureau to a level equal to the Chiefs of Staff of the other Services. This could lead to potentially divided views on global force management, funding, modernization, RDT&E, training, doctrine and operational concepts. Currently, any competing priorities are effectively resolved within the Army with a clear chain of command, ensuring holistic and efficient management of our forces.

The integration of the Regular Army, Army National Guard, and Army Reserve has proven—during the past decade of conflict and natural disasters—to be unbeatable on the battlefield and irreplaceable in relief efforts at home and abroad. Now, more than in any time in our history, we are truly One Army. We could not have experienced our incredible operational successes without unity of command within our Army formations and complete unity of effort with our joint, civil, interagency and multinational partners.

Finally, as we move forward, our Army needs to remain unified. Maintaining our National Guard and Reserve as critical Army components is essential while facing times of global uncertainty. The Reserve Component forces will continue to play a critical role in our national security strategy and the advice of the Chief of the National Guard Bureau and Chief of the Army Reserve will always be—as they always have been—extremely valuable and essential within the context of a Total Army in a balanced Joint Portfolio. The Army leadership remains committed to the strength of our Army, which is and will remain the strength of our Nation.

We appreciate your time and thoughtful consideration of this matter.

Sincerely,

RAYMOND T. ODIERNO,
General, United States Army, Chief of Staff.
JOHN M. MCHUGH,
Secretary of the Army.

DEPARTMENT OF THE NAVY,
CHIEF OF NAVAL OPERATIONS,
Washington, DC, November 3, 2011.

Hon. JAMES WEBB,
Chairman, Subcommittee on Personnel, Committee on Armed Forces, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on the matter of including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff (JCS); we recommend against this initiative. JCS membership would violate the principle of unity of command, run counter to integrating the Joint force as laid out in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, and would potentially confuse best military advice, as well as, create an inequity in advocacy.

Making the CNGB a member of the JCS would complicate unity of command for both the Army and the Air Force. The Chiefs of Staff of the United States Army and the UnitedStates Air Force should be held singularly accountable to the Executive and Legislative Branches of Government for the readiness and combat effectiveness of their respective service, and for the welfare of the men, women, and families in their respective services. Making the CNGB a member of the JCS would create unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. After ten years of war, the Guard and Reserve are more fully integrated with our active component than ever before. Making the CNGB a member of the JCS is unnecessary. This recommendation is consistent with the Commission on the National Guard and Reserves Second Report to Congress that the CNGB should not be a member of the JCS.

Unlike the service chiefs, the CNGB does not represent a branch of service nor is the CNGB responsible for organizing, manning, training and equipping the National Guard to the extent of the service chiefs. On matters relating to federalized forces of the National Guard of the United States and its subcomponents; the Army National Guard of the United States and the Air National Guard of the United States, the Chief of Staff of the Army and the Chief of Staff of the Air Force are the appropriate advocates to render best military advice as members of the JCS.

Moreover, making the CNGB a member of the JCS is inconsistent with the status of the Army and Air National Guard as reserve components of the Army and Air Force. Additionally, JCS membership would create an inequity between the National Guard and its Army, Marine Corps, Navy and Air Force Reserve counterparts.

We concur with the Chairman of the Joint Chiefs of Staff that the CNGB's advisory roles under 10 USC 1050(c) are essential and sufficient. The CNGB serves as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involvingnon-federalized National Guard forces and on other matters as determined by the Secretary of Defense. In these matters, it is appropriate for the CNGB to participate in JCS deliberations. Additionally, we fully support CNGB participation in JCS deliberations that deal with issues that affect the National Guard and to provide key insight on National Guard concerns.

In sum, elevating the CNGB to the JCS risks sending the message that the National Guard is a separate service, which runs contrary to its status as an integral part of the United States Army and United States Air Force.

Your longstanding support of the men and women of the Naval service is greatly appreciated.

Sincerely,

J. W. GREENERT,
Chief of Naval Operations.
JAMES F. AMOS
Commandant of the Marine Corps.

UNITED STATES AIR FORCE,
THE SECRETARY OF THE AIR FORCE,
Washington, DC, November 2, 2011.

Hon. JIM WEBB,
Chairman, Personnel Subcommittee, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR WEBB: Thank you for the opportunity to share our views concerning the legislative proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS).

Over many decades, the U.S. Air Force has made great strides integrating the active

and reserve components, creating the world's most lethal air force. We admire, value and rely upon the contributions our reserve components make daily as a part of our total force. We can assure you that the Air National Guard has a seat at the table and its voice is heard.

The roles, functions, and reporting relationships for the National Guard Bureau (NGB) are among the most complex in the Department of Defense (DoD). As you know, the NGB is a joint activity of DoD and the Chief of the NGB is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces. The Chief of the NGB is under the authority, direction, and control of the Secretary of Defense, but the Secretary normally exercises authority, direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibilities. The Office of the Director, Air National Guard (ANG) is an element of the NGB and supports the Chief of the NGB in his advisory role.

The Chief of the NGB is the principal advisor to the Secretaries and Chiefs of Staff of the Army and Air Force for matters pertaining to their Title 10 responsibilities, and he implements the Title 10 organize, train and equip direction of the Secretaries and Chiefs of Staff of the Army and the Air Force as they pertain to the National Guard. The ANG of the United States is a reserve component of the United States Air Force and, together with the Air Force Reserve and the Active Duty components of the Air Force, is a fully integrated element of the total forces that the Secretary and Chief of Staff provide to the Combatant Commanders. As the senior leadership of the Air Force, we are responsible for ensuring ANG requirements for capabilities and functions are fully considered in DoD's Planning, Programming, Budgeting and Execution System and policy making processes. With that, the Director, ANG and his representatives participate without limitation in the corporate Air Force decision making process.

One of the continuing challenges we face lies in the dual nature of Title 10 and Title 32 relationships. Specifically, for our Total Force development and employment to remain effective and efficient in all aspects of Air Force operations, unified Title 10 leadership is paramount. As recognized in the congressionally mandated Charter for the National Guard Bureau, the Secretaries of the Army and the Air Force exercise authority, direction, and control over the NGB on matters pertaining to the respective Secretary's responsibilities in law or DoD policy, except as otherwise directed by the Secretary of Defense. This is essential for them to meet their responsibilities to the nation, and to integrate all components of their respective Services. The legislation passed by the House and proposed by the Senate to make the Chief of the NGB a member of the JCS would add further complexity to Title 10 relationships, confusing the lines of authority and representation already in place for Chiefs of Staff of the Army and Air Force to meet their JCS responsibilities.

For these reasons, we strongly encourage you not to proceed with designating the Chief of the NGB as a member of the JCS. We believe that the current advisory role established under 10 USC 10502 continues to be both important and sufficient for advocacy of the National Guard's non-federal needs and missions. The Chief of the NGB will continue to have a strong voice and is an essential partner for the Secretary of Defense, Service Secretaries, and the Joint Chiefs of Staff, but he should not be put in a Title 10 position independent of Service leadership.

In summary, the Title 10 roles and requirements of the Air National Guard are appropriately addressed in law, in the Charter of the National Guard Bureau, and within the U.S. Air Force. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. In its Title 10 context, the National Guard Bureau (including its Army and Air elements), is not a separate service and should not be included as such within the statutory membership of the Joint Chiefs of Staff.

We support the proposal to establish a Vice Chief of the National Guard Bureau.

Thank you for your valued and continued strong support of the U.S. Air Force. Similar letters have been sent to Senator Levin and Senator McCain.

Sincerely,

MICHAEL B. DONLEY,
Secretary of the Air Force.
NORTON A. SCHWARTZ,
General, USAF, Chief of Staff.

Mr. WEBB. The administration also opposes this amendment. Senator GRAHAM mentioned during the committee hearing that candidate Obama, at a National Guard Association convention, expressed his support for this idea. But President Obama has yet to offer his support for this idea. In fact, the Secretary of Defense, as I mentioned, has stated his strong opposition. If the President is inclined to support this idea, perhaps he should clarify that for us.

The Chief of the National Guard Bureau already has extraordinary access at the table. There have been some questions about bringing the National Guard to the table. He has extraordinary access at the table. He, in fact, is the only chief of any department in the Pentagon who does not have to report to a Service Secretary. He reports to the Secretary of Defense right now.

The other Reserve components report through Service Secretaries—the Army Reserve, as opposed to the Army Guard; the Air Force Reserve, the Navy Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, through the Coast Guard process.

They are all represented at the table in the Joint Chiefs without having to be members of the Joint Chiefs.

I remind my colleagues that what we are proposing here is statutorily doable if this body wishes to do it. But it is going to be bureaucratically awkward in the Pentagon if it were to occur. You are going to put into position on the Joint Chiefs of Staff an individual who is not a service chief.

During the committee hearing, Senator GRAHAM and others mentioned an article I had written in 1972 in the Marine Corps Gazette calling for the Commandant of the Marine Corps to become a full member of the Joint Chiefs of Staff. I am actually quite flattered that someone would recall an article I wrote 39 years ago when I was a 25-year-old Marine Corps captain. But the point of the article actually is the reverse of what we are talking about today. The point of that article was that the Marine Corps is a separate service—a completely separate service. The Marine Corps wears a separate uniform than the Navy. The Marine Corps was being represented on the Joint Chiefs of Staff in the same way as, say, naval aviation. This is not true with the National Guard. The Air National Guard wears the uniform of the U.S. Air Force. When they are mobilized, they are a part of the Air Force. The Army National Guard wears the uniform of the U.S. Army. When they are brought into Federal service, they are wearing the same uniform.

We made a lot of this when I was Assistant Secretary for Reserve Affairs—talking about one Army, one Air Force. You cannot tell the difference when their units are called up and they are put together.

So what are we doing when we say there should be a position on the Joint Chiefs of Staff for an individual who is not a service chief? What does that say, for instance—let's think about this—about Special Operations Command? The Special Operations Command—a lot of people are writing about it right now because of the activities they have been doing over the past 10 years and the fact that they have pretty well quintupled the people on the ground. The Special Operations Command is not a separate service. People are saying and writing that they act as a separate service, but they are made up of members of the other services. They are put together by the CINC, and they are fed by the service chiefs based on policies developed at the Joint Chiefs of Staff.

In 1986, going into 1987, when I was Assistant Secretary of Defense, there was a constitutional confrontation that occurred when a lot of Governors in the United States were being pressured by political groups that did not support the policy of the Reagan administration in Central America. What they started doing was lobbying the Governors of the different States in their role as commander of the militia—the National Guard—saying that the Governors should not be sending National Guard troops, or their militia, into Central America. At one point, Secretary Weinberger turned around to me and said that we have 40 percent of the National Guard in the United States potentially nondeployable to Central America because the Governors in States such as California and Ohio said they weren't going to send their National Guard troops to Central America. We had a long and divisive argument over this. It took place for almost a year.

Finally, we worked with Sonny Montgomery, who was ''Mr. National Guard'' in the House of Representatives, for whom I had worked years before. We got a piece of legislation that said the Governors cannot do that; that the Governor, even though he or she is commander of the militia, cannot stop deployments when the Pentagon decides they should deploy. This went all

the way to the Supreme Court. The National Guard lost. We clarified, in that Supreme Court decision, the supremacy of the Army clause of the Constitution over the militia clause of the Constitution—basically, that the needs of the Army, the needs of the U.S. military, active-duty military, when calling up these units, superseded the desires of a Governor.

I would say that that principle still would be in effect today and still should be recognized in the way the National Guard is fed into our active-duty Army units and Air Force units when they are being deployed. And they are well represented on the Joint Chiefs of Staff. Every member of the Joint Chiefs of Staff emphasized this, and every one of them discussed the confusion and the potential inequality among other reserve components if this amendment were to succeed.

I have enormous respect for Senator LEAHY. I consider him to be a great friend. I know he is not particularly happy with the statement I am making right now. I hope people will take a hard look at the amendment I am offering, which says let's take a timeout and look specifically at the effects that this positioning of a chief of guard as a member of the Joint Chiefs would have on the principles of civilian control, accountability, and of someone who is not subject to the oversight of a confirmed secretary of the military department, and a number of other issues.

With that, on the remainder of the bill I express my strong support and my respect and admiration for Chairman LEVIN, Senator MCCAIN, and the other members of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

THE ECONOMY

Mr. COBURN. Mr. President, I listened to part of what Senator REID had to say as we opened the Senate today. I was struck by the fact that so many people are unemployed and our economy is still barely growing, that there probably is not any firm objection to trying to alleviate some of the pain by continuing a process where we lessen the tax burden through a decline in the Social Security tax. I don't think that is going to be the issue with many Senators.

The question is, do we do that by raising taxes on other people or by getting rid of waste. I had an interesting phone call today with somebody I trust and have been talking to for 3 years, who actually predicted everything that has happened so far. He predicted what is going to happen in Europe, and he predicted the fact that ultimately there will be default in Europe on government bonds. There is no way they grow themselves out of it or no way we loan them enough money to buy them enough time to get out of it. The only way is to trim their spending, which they should have started 2½ or 3 years ago.

The same lesson applies to us. I think some things that are factual ought to be brought up. We had, over this past week, the inability of the committee to come to an agreement on $1.2 trillion. Therefore, there is going to be a sequestration. The interesting thing, on the way to the farm, is that when you have the sequestration carried out, there will actually be no decrease in spending in the Federal Government. This is the important thing I want the American people to hear. They think we are cutting spending. Defense will rise 16 percent with sequestration; nondefense discretionary will rise 6 percent; Medicare will still rise 71 percent; and net interest will rise 160 percent with the sequestration. So it is dishonest—to put it mildly—to say that we are cutting anything in Washington. And there begs the problem.

The problem is that the political elite in this country are failing to make the adjustments we have to make or we are going to end up like Greece, Portugal, Spain, Italy, and ultimately France. We have to do that. The sooner we do it the less pain we are going to have. The first thing we ought to do is be honest with the American people. Nobody has done anything in Washington yet to cut any spending, because it is still going to rise in discretionary, defense, Medicare, Medicaid, Social Security, and interest. It is still going to rise. So we have to go back to the fundamental problem.

What President Obama is proposing costs about $240 billion for next year. I think he would get great support from many of us if he said I want to do this to help people out there, and I want to do it by getting rid of some of the waste, fraud, abuse, and duplication we have. I would be the first to help him. But that is not what is going to be proposed. Instead of playing the political game, why don't we solve the problem?

We had a GAO report that came out in March that showed massive duplication throughout the Federal Government—massive. My estimate is close to $200 billion a year. That is not theirs, that is mine. But at a minimum, $100 billion a year could be saved by consolidating programs and eliminating duplication. We have not done anything or made any attempt to do that. Senator WARNER and I offered an amendment to eliminate $5 billion of it. The bill it was riding on was withdrawn. We haven't had an opportunity in all the bills that came before to offer an amendment to eliminate duplication. Before we ask anybody to pay more taxes to offset the taxes we are going to decrease for the businesses under $50 million, and for the decline in the payment of Social Security tax of 3.1 percent for business and 2 percent for the individual, we ought to get our house in order first. We are doing exactly what the European countries refuse to do.

Now we hear over the weekend that we are about to participate, through the IMF, in socializing the debt of Europe, of which we are required, through the IMF, to absorb 26 percent of the cost. We are not going to let that happen, because what we are going to do is exactly the same thing we are doing in the cities—delaying the onset of the time to make the hard choices.

Here is the growth curve on this chart. In the red is sequestration. The blue line is without sequestration. Spending is still going up. We are going to be at a $5.4 trillion annual budget in 2021, 9 years from now. No spending has been cut. We need to quit lying to the American people about what we are doing. A 9-percent approval rating is well earned as long as we are dishonest with the American people about what we are actually doing. They understand the problem. We are broke.

If you don't think that is the case, look at this chart. Medicare is broke, no question about it. Medicaid is broke. The census is broke. Fannie and Freddie are broke. Now FHA has 0.2 percent of the capital they need when they have a minimum statutory requirement of 3 percent. FHA is broke. Social Security is broke. There is $2.6 trillion in the trust fund. We put $105 billion from the Treasury in to offset what we did last year. Now we are going to pay for it twice because there was no decrease in the IOU. For that $105 billion, our children and grandchildren will pay back $210 billion. With the new program, they are going to pay back $280 billion. The U.S. Post Office is dead broke. We won't even pass a bill that allows it to be fixed. We just delay the time of its demise. Cash for Clunkers was broke. The highway trust fund was broke. We are passing bills for the highway trust fund, which is $13 billion short. We don't know where the money will come from because the trust fund is broke. Government-run health care—we don't know, but it is likely to be broke before it starts.

How do we solve the problem?

Mr. MCCAIN. Will the Senator yield on the issue of the post office?

Mr. COBURN. Yes.

Mr. MCCAIN. Isn't it kind of a symptom of the disease we suffer from here where we would not even agree to legislation that cuts mail delivery from 6 days to 5 days, which is the recommendation of the Postmaster General?

Mr. COBURN. Yes, and the recommendation of the President of the United States. What about duplication? Is there not someplace we can find the $240 billion that President Obama wants to put into the economy for helping those of the middle and lower income levels make it through this tough time? Sure there is.

We have 100-plus surface transportation programs that can be consolidated into about 20 programs. We have

82 Federal teacher quality programs. Not one has the metric on it, and we don't know if they work. Economic development programs—we have 88. Transportation assistance programs, outside surface transportation—we have 80 of those. We have 56 financial literacy programs. We have 47 job-training programs, at $18 billion a year. All but three of those overlap one another, and not one has a metric to say it works. Homelessness prevention and assistance—there are 20 separate programs. There is nothing wrong with that goal, but why do we need 20? Food for the hungry—we have 18 different programs. Couldn't we do that through one Federal program? Why do we need to have 18? Disaster response and preparedness in FEMA has 17 different programs.

We have taken a ''stupid'' pill, and now we sit bankrupt. We are physically bankrupt—fiscally and physically bankrupt at this moment, except we just haven't recognized it, and what is happening in Europe is going to happen to us in less than a year. The price we pay for our bond interest is going to go up. The price differential between a German and Italian bond in the last 10 days has risen 270 basis points—a spread of 270. Germany couldn't even sell all its bonds Friday.

What is happening? It is a lack of confidence. So we have to restore confidence, and the way we do that is by actually paying for the good we need to do by putting forth commonsense solutions for elimination of programs that are duplicative.

I will finish with just a couple other points, just some ideas.

If you started now, you could put the 2020 census online and save $2 billion. If we increased the paperless transactions at the Treasury Department, we could save $1 billion. These are per year, by the way—per year. We need to gradually increase fees for GSE securities. President Obama has started that, but it needs to be accelerated. Move the core functions of the Election Assistance Commission to the FEC. That is $161 million. We could consolidate that. We could do some commonsense things. We could combine the SEC and the CFTC and save $2.8 billion. We could move the SBA disaster loans to FEMA. You have to go through FEMA anyway before you ever qualify for one, so why not let them do it? Why do we have two separate programs? Why do you have to go through two doors? It would be like getting your license where you bought the car, but then you had to go somewhere else to get it, and then you had to go somewhere else. We could eliminate that. The National Drug Intelligence Center—it doesn't do anything. It is an earmark we have spent $488 million on in the last 10 years. It does nothing of concrete value to anybody in the intelligence network, but it is an earmark gone crazy.

So what do we do? Well, we put together a shopping list that could be used. You don't have to agree with any of this, but over the next 10 years, if you just agreed with one-third of it, you could find the third and save $3.3 trillion. That is $85 billion more—if we just did one-tenth of it this year—than what the President would like to do with this jobs stimulus program.

None of this is hard. There certainly can be some debate over what we fund and don't fund in defense, but most of it is common sense. Will people squeal? Yes. Everybody is going to have to squeal if we are to get out of the problem we have in this country.

I will conclude with this: I think we ought to continue, until our economy is back on keel, with a Social Security tax cut, but I think the only way we should do that is by eliminating some of the $350 billion a year of waste, of duplication, and of fraud in the Federal Government. And if we can't do that, we shouldn't be here. None of us should be here.

The fact that the politics of the next election is crippling this country says we deserve the 9-percent rating the American people are giving us. All we have to do is change that. What we have to do is grow a backbone, stand, and say no to people. We have to say it to everyone. We have to do this. It is for our future and for our kids' future. And these are the things that are least painful.

Here is what happens if we don't. The very people we say we don't want to harm by eliminating the multitude of duplication in all these programs, eliminating all this waste, all these feel-good things that part of the time accomplish good things, are the very people who are going to suffer significantly more because of our inaction.

It is time for us to act. It is time for us to do what is necessary to put our country back in the right direction and on a healthy diet of fiscal prudence, smart tax policy, and get out of the rut we are in. That requires leadership—and not just by the President but by all of us.

It means you have to take some hits. When I put ''Back in Black'' out, I got some terribly nasty letters from all sorts of people. I understand. They are getting something, and some of that is put at risk, so therefore you can't represent them. But everybody is going to have to give, and if everybody doesn't give, we won't have a country left. That is what is coming—default. We are broke now; we just are not in the reality of it. But what is coming is default of American bonds if we do not act now. It can't wait 2 years. It can't wait for the next Presidential election. We have to do it now.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, here is where we are: With the current UC that we are operating under, debate is in order this afternoon, and we are urging that our colleagues who have amendments pending to come and debate those amendments. This is an opportunity for them to do so, and this opportunity is not going to last for very long because we have to get this bill passed.

So I would urge—and I know my good friend from Arizona would join me—colleagues who have amendments, whether they are pending or not, we are not going to be able to have any additional amendments added to the pending list by unanimous consent because we already have something like 100 pending amendments. It is just more than we are going to be able to handle to add any more, and it may be more than we could handle to deal with the ones that are already pending.

But I urge colleagues—otherwise, tomorrow we are going to be hearing from colleagues: Gee whiz, we want to offer our amendment or we want to debate that amendment, and there won't be time before that cloture vote on Wednesday—we are not going to have more than this week for this bill. We have been informed by the majority leader he wants to finish this bill by Thursday.

So I strongly urge our colleagues to come and use this opportunity to debate their amendments. It will increase the chances that we will be able to get to their amendments for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the distinguished chairman.

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

Mr. MCCAIN. Isn't it true, I would ask the chairman, that we went on this bill last Thursday and that we spent a good part of Thursday on this legislation? Then on Friday, you and I and a few others came in on Friday and had further debate and discussion of amendments; and then we came in, I believe, around 1:00 today and enjoined, in fact pleaded, with our colleagues to come and discuss their amendments they have pending? I understand there are over 100 amendments pending. So it does ring a bit hollow if some of our colleagues may say they didn't have time to debate the amendments that are pending.

So I would say to my colleagues, I believe—and have stated endlessly—this piece of legislation, which has to do with the Nation's security, which has been passed by the Congress of the United States for over 50 years now, for over a half century, without interruption, that we are doing a disservice to the men and women in the military if we don't debate these amendments, if we don't discuss the important issues of national security that are embodied in this legislation.

So I would ask my friend, the distinguished chairman, after these thousands of hours of work, and now on our fourth day of consideration of this bill, that maybe it might be appropriate for us to take measures to expedite the process. Again, I urge our colleagues who have pending amendments to come down and debate and discuss them so that we can line up votes because there are so many pending amendments it is going to require a significant number of votes as well.

Mr. LEVIN. I surely concur with my colleague that we have been here now—I think this is the fourth day. The days last week which the Senator referred to are different than my own memory. I think they were earlier in the week than the Senator referred to. But, nonetheless, the point is the same. I believe we were here either Tuesday or Wednesday, but there were 2 days before we left for Thanksgiving that we were here. The Senator's point is well taken.

The floor was open to debate. People offered amendments. They had an opportunity to make them pending. Now we have a huge number of those amendments pending, and now it is time to start disposing of amendments. Unless our colleagues come to the floor to do that, we are not going to be able to get through this bill, and the leader will not continue debate or allow us to continue to debate this bill beyond Thursday. We know that is the case because we know how much pending legislation there is that the majority leader needs to get through.

So I can only, again, join the Senator from Arizona in a joint plea that our colleagues who have amendments come and debate those amendments. Hopefully, we can get to votes on those amendments even yet today after the vote on the judge at 5:30 or so.

Mr. MCCAIN. So my colleagues should not object to short time agreements for debate, final debate before we vote on some of these amendments.

Mr. LEVIN. I hope, when the time comes, colleagues who come to the floor understand that unless they agree to short time agreements, there is no way we will be able to get this bill done even if their amendments pass. It will not do anyone any good to have long debate on amendments when people finally come to debate those amendments, even if the amendments pass, because there will not be an opportunity to get the bill itself passed. That is very true.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maine.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Delaware, Mr. COONS—the Presiding Officer—be added as a cosponsor of Senate amendment No. 1155 to the pending bill, S. 1867.

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

Ms. COLLINS. Thank you, Mr. President, for cosponsoring the amendment.

Earlier today the chairman and the ranking minority member of the Senate Armed Services Committee came to the Senate floor and asked for Members to come forth with their amendments. I want to speak on my amendments as well as the underlying bill. But I want to begin by commending Senator LEVIN and Senator MCCAIN for their superior work on this very important piece of legislation.

For this reason I rise in support of the fiscal year 2012 National Defense Authorization Act. This bill represents a bipartisan commitment to ensuring that our brave men and women in uniform have the support they require to execute our Nation's military strategy and to defend freedom around the globe. The legislation will improve the operation of the Department of Defense, it will strengthen congressional oversight of the Department, and it makes fiscally responsible but very difficult choices in order to meet this year's budget caps. As a member of the Senate Armed Services Committee, I urge all of my colleagues to support this important bill.

I am particularly pleased that this bill fully authorizes the Navy's budget request for shipbuilding. While shipbuilding accounts for fewer than $1 out of every $10 of the Navy's budget, it is a critical component to the strength of our national defense.

The Chief of Naval Operations has testified that a fleet of 400 ships would actually be required to meet the unconstrained demands of the combatant commanders. Due to budget constraints, however, the Navy aims for a fleet that equals 313 ships in the future, but today the Navy has only 285 ships. The DDG–1000 program, the DDG–51 restart, the Virginia Class submarine, and other ships in the shipbuilding budget will help to close the troubling gap between the requirements of the combatant commanders and the number of ships the Navy actually has.

I am particularly proud that the skilled workers of Bath Iron Works in my State are playing such a critical role in building the ships our Navy requires. Bath's excellent performance of delivering ships on time and on budget or under budget to the Navy continues. This year BIW delivered the USS Spruance to the Navy where the destroyer will serve in the Pacific fleet. In addition, BIW has completed more than 60 percent of the construction of the very first DDG–1000. This is a destroyer for which the Navy laid the keel for the ship 2 weeks ago.

So, Mr. President, consider the fact that 60 percent of the construction had been completed before the keel laying ceremony; this is a feat which is all that much more impressive when we consider that the rework rate for ship construction—and this ship is the first in its class of ships—has been less than 1 percent. That is an extraordinary record and a tribute to the high-quality work performed by the men and women of Bath Iron Works.

Last week the President made clear that the United States will not shrink from its role in Southeast Asia and the Pacific, two regions where forward presence and persistence depend on the ships of the U.S. Navy. At a time when the Chinese fleet is larger than our own and is expanding, now is certainly the time to reinvigorate rather than weaken our shipbuilding industrial base to build ships that are capable of operating in anti-access and area-denial environments.

In recent weeks Secretary of Defense Panetta has warned about the negative effect of sequestration on the fragile shipbuilding industrial base and his concern that under this procedure, which would involve automatic cuts that disproportionately fall on the Department of Defense, the Navy could shrink to the smallest force since 1915. Unfortunately, the Navy fleet is already the smallest that it has been since 1916 despite the escalating threats that we face.

So I want to thank Chairman LEVIN, Ranking Minority Member MCCAIN, and the chairman and ranking member of the Seapower Subcommittee as well for recognizing the importance of fully authorizing the President's request for shipbuilding.

This legislation also includes important acquisition reforms to ensure that taxpayers receive the best value for every dollar authorized in this bill. One provision requires the military services to determine if they can save money by performing service-life extension programs for nontactical vehicles and equipment rather than purchasing new gear.

The committee report also seeks to save taxpayer dollars by directing the Air Force to evaluate the annual fuel costs that would be incurred at each candidate base before the Air Force decides where to assign new aircraft, such as the KC–46A tanker.

In addition to providing better value to the taxpayer, the government procurement process should be fair, open, and entirely free from politics. I would hope that is the goal on which every Member of the Senate could agree. Last spring, however, the administration was considering a draft Executive order requiring Federal agencies and departments to collect information about campaign contributions and political expenditures of bidders before awarding any Federal contract. I would suggest to my colleagues that is the antithesis of sound procurement practices.

For the administration to even consider a change that would inject politics into the procurement process goes

in entirely the wrong direction. Such a move would create the perception that political support or opposition is somehow a consideration in selecting the winners and losers among businesses vying for Federal contracts.

To ensure that contracts are kept out of the procurement process, an amendment that I offered with Senators PORTMAN and BROWN was adopted by the committee with the wholehearted support of the chairman and ranking member, and I would note that it was adopted without opposition. Our amendment specifically prohibits the Department of Defense from collecting information about political contributions made by companies seeking to conduct business with the Federal Government.

Think what a terrible position that would put contracting officers in. Right now they are just collecting information about the ability of a contractor—or a would-be contractor—to perform on the contract, information about the price they are bidding, and information about past performance. What kind of signal would it send to contracting officers if all of a sudden they are required to collect information about political contributions and expenditures? That would muddy the procurement process. It would imply that somehow political contributions are supposed to be considered in the contract award process when exactly the opposite must be the case.

Another area of particular concern to me is ensuring that our service men and women receive the health care they deserve, particularly as it relates to mental and behavioral health. While the rate of Active-Duty suicides did drop last year, it is very sad to know that almost twice as many Guard members and reservists committed suicide in 2010 compared to 2009. This is a tragedy that the chiefs of the military services, the Secretary of Defense, and the members of our committee are taking very seriously. We don't know enough about the factors why, but we do know that we need to provide better access to counseling and other services to our service men and women, to our reservists, to our Guard members, and to our veterans.

Unfortunately, the Department of Defense has had limited ability to allow its own civilian and contracted mental health professionals in one State to provide care to a patient in a different State. That is the result of complicated State licensing laws with which I am very familiar, having overseen the licensing of mental health professionals for 5 years in my career.

The result is that many in our military, particularly Guard members and Reserve members who live in rural areas where there is a shortage anyway of mental health professionals, must travel long distances to access care.

So the result is that, in many cases, they simply don't access care at all and don't receive the care, the counseling, or the assistance they need and deserve.

This bill includes the provision included at the request of Senator BEGICH, Senator BROWN, and myself to expand access to mental health care providers for those individuals who have served. This provision—our amendment—will allow mental health care professionals who have been qualified by the Department of Defense to serve members of the Armed Forces and our veterans using ''telehealth''—a capability the Army in particular has sought and believes would be very useful so services can be provided via videoconference, for example, to members who may be far away from the actual mental health professional.

The bill also includes provisions to increase protections for servicemembers who are victims of sexual assault. One in six women will be a victim of a sexual assault in her lifetime. Yet in the military, that terrible statistic is even higher—much higher, I regret to say. As many as one in three women leaving military service report they have experienced some form of sexual trauma.

The provisions that were included in the bill at the request of all the women of the Senate Armed Services Committee as well as Senators BROWN and BEGICH were based upon legislation Senator KERRY and I introduced to implement some of the overdue recommendations of the 2009 Defense Task Force on Sexual Assault in the Military Services.

Of the 91 recommendations made by this task force, only 26 have been fully implemented by the Pentagon as of May—only 26 of the 91 recommendations. There are a couple of these recommendations that are particularly important and have been included in the bill. These recommendations include providing victims with access to legal counsel and ensuring that each military unit has an adequate number of trained—and I emphasize the word ''trained''—victim advocates and sexual assault response coordinators.

The bill also requires the Department of Defense and the VA to implement a comprehensive process to preserve medical records and evidence related to sexual assaults. This has been a real problem. This process will protect victims' access to VA benefits and will help support the prosecution of their offenders. Finally, in this area, the bill modifies the Uniform Code of Military Justice as requested by the Judge Advocate Generals to improve the likelihood of prosecution of sexual offenders in the military.

While this bill does much to provide for our servicemembers and improve the processes of the Department of Defense, I believe we can further strengthen this bill, and I have offered three amendments with that goal in mind. First, I have introduced amendment No. 1180 with Senators SHAHEEN and CASEY to address the serious threat posed to the American people by the missing portable anti-aircraft missiles from Libya. Our amendment requires an urgent intelligence assessment of the threat these missiles pose to the American people and our allies and it requires the President to develop and implement a comprehensive strategy to mitigate this threat.

Former Libyan Dictator Colonel Qadhafi acquired more than 18,000 of these portable anti-aircraft missiles—one of the largest stockpiles in the world. Make no mistake, no one has an accurate accounting of where all these missiles have gone or where they are now. While the administration has sent teams to inspect and disable these missiles, where they know they exist, there is no comprehensive strategy in place despite very disturbing reports of Libyan militias refusing to disarm themselves and of terrorist groups seeking these weapons.

Recently, Senator MCCAIN and I had the opportunity at the World Economic Forum in Jordan to meet with the then-Acting Prime Minister of the Libyan Transitional National Council, and we asked him specifically about the issue of the Libyan militias all over the country. He was very forthright in saying he had been unable to bring them under a uniform control—a real issue. Unfortunately, he decided he needed to resign, in part due to that issue. The United States simply must make an accounting for these dangerous weapons that can be aimed to take down a commercial aircraft. This must be a priority in Libya and throughout the region. I appreciate the support Chairman LEVIN and Senator MCCAIN have expressed for this amendment as well as the helpful suggestions from Senator KERRY, Senator LUGAR, and the Senate Select Intelligence Committee.

I have also offered an amendment No. 1155 to allow physical and occupational therapists to enroll in the Armed Forces Health Professionals Scholarship Program. This program provides tuition assistance to critical health care professionals in exchange for service as a commissioned medical officer.

Unfortunately, while the need for physical therapists has grown during the last 10 years of war, neither the Department of Defense nor the military services have conducted a separate analysis of the current or future DOD workforce requirements for occupational and physical therapists, even though such an analysis was required by last year's Defense authorization bill.

My amendment would allow the military services to extend the same kind of educational benefits to physical and occupational therapists that are already afforded to physicians, dentists, physician assistants, and even veterinarians.

Physical and occupational therapists at the military's major medical centers serve approximately 600 wounded warriors every day on their road to recovery. More than 32,000 servicemembers have been wounded in Iraq and Afghanistan, including many who have suffered very serious injuries and have

had to have amputations, for example. Those injuries require significant physical therapy.

The idea for this amendment came directly from a visit I had with a wounded marine from Maine at Bethesda earlier this month. He was severely wounded by an IED in Afghanistan. He lost part of one leg and his other leg has a lot of shrapnel wounds. Both of his arms were wounded, and he has a traumatic brain injury as well. In short, he has very serious wounds that are going to require a very lengthy recovery period. But he has recently been moved into wonderful accommodations—his own apartment at Bethesda. His spirits are amazingly strong and upbeat.

But when I asked him if he had any concerns, he said while he praised the care he was receiving, there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be at Bethesda for another 9 months. It troubles me that he believes there are not a sufficient number of physical therapists to help him and the other wounded warriors who are hospitalized at Bethesda.

While the Department of Defense reports that overall it does not face a shortage in these professions, both the Air Force and the Navy report shortages in physical therapists, physical therapy technicians, and occupational therapists. One out of every four physical therapist positions in the Active-Duty Navy is currently unfilled. So including these medical professions in this existing educational program would help meet this need.

I wish to point out, we are not authorizing additional or new funding. However, this is an important insurance policy against a shortfall of these medical professionals that will help the Navy and the Air Force fill vacancies. After all, it is these talented and committed professionals who are helping our wounded warriors return to living full and independent lives.

Finally, I have offered amendment No. 1158, a bipartisan amendment with Senators BEGICH, MANCHIN, and CHAMBLISS, regarding the prohibition on the transfer of U.S.-held detainees to a country that has a confirmed case of a released individual who has returned to the fight. This is so needed.

I note this provision was permanent in the detainee amendment that was offered by our chairman and ranking member that was adopted overwhelmingly by the Senate Armed Services Committee during our June markup. Nevertheless, this provision was reduced to a temporary 1-year restriction in the current version of the bill in response to concerns from the administration.

I wish to point out that my amendment would only make permanent the prohibition on the transfer of American-held detainees to a country that has a confirmed case of recidivism. It does not change any of the other transfer provisions in section 1033 of the bill.

Let me make clear that I support the hard work Chairman LEVIN and Senator MCCAIN have done to craft a permanent detainee policy that has a great deal of support on a bipartisan basis. While there may be genuine disagreement regarding other aspects of the detainee policy provided for in this bill, the amendment I put forth permanently establishing the commonsense policy that we will not return detainees to countries where they are returning to the battlefield should not be an issue that divides this body. In spite of the spirited and lengthy debate in committee on detainee policy, this particular provision in my amendment was not the subject of controversy.

Let me give a little more background on why it is necessary. In September, Director of National Intelligence James Clapper testified that the recidivism rate of transferred Guantanamo detainees continues to increase. Twenty-seven percent of transferred detainees—released from Guantanamo to another country is what I am talking about—up from 25 percent last year, are believed to have rejoined the fight, rejoined the cause of terrorism.

Of the 599 detainees who have been released from Guantanamo, there are 161 individuals confirmed or suspected of re-engaging in terrorist or insurgent activities. Half of those cases have been confirmed by the intelligence community, which is an increase of 5 percent of confirmed cases from March 2009 to October 2010. I believe it is likely, as further intelligence is developed, that the rest will be confirmed—those suspected cases are likely to be confirmed as well.

Former detainees who were previously mid-level enemy combatants are not simply returning to be another fighter armed with a rifle, although that, too, is clearly unacceptable. According to Michael Vickers, the Under Secretary of Defense for Intelligence, former detainees are advancing in the leadership ranks of al-Qaida and its affiliates.

For example, Said al-Shihri was released from Guantanamo in 2007 to Saudi Arabia. He participated in a so-called rehabilitation program but then traveled to Yemen. Within 2 years of his transfer, he was involved in planning an attack on the U.S. Embassy in Yemen in September of 2009. He also became a deputy in al-Qaida in the Arabian Peninsula, the terrorist group responsible for the attempted Christmas Day bombing in 2009 and the attempted package bombs last year. In fact, AQAP is considered by most intelligence analysts as the entity posing the most danger to our homeland.

There are other cases as well. There is a case where one of the detainees who was released to Afghanistan in 2007 told American officials, prior to his transfer:

I [just] want to go back home and join my family and work in my land and help my family.

Instead, after Abdullah Ghulam Rasoul was released by the Afghan Government in 2008, he went back to fighting. Press reports indicate this former detainee was promoted as a top deputy in the Taliban and put in charge of operations against U.S. and Afghan forces in southern Afghanistan in 2009. In fact, Newsweek reported that roadside bomb teams under his direction have caused more than half of NATO's 160 deaths in Afghanistan in the first 5 months of this year.

Muhammad al-Awfi was also released from Guantanamo to Saudi Arabia in 2007. After leaving a rehabilitation program in 2008, he too fled to Yemen. Not long after, he appeared in a video announcing the formation of AQAP. There are other examples as well—example after example after example—of detainees who have been released from Guantanamo and who have returned to the fight.

We need a permanent provision to deal with the recidivism threat. As hopeful as I am that the national defense authorization bill will be passed each and every year—and there is a great record of the Armed Services Committee in that regard—there is no guarantee that legislation will be passed by the Congress and signed into law by the President. In fact, we are already 3 months into this fiscal year, and we are weeks from having a Defense authorization bill signed into law, despite the heroic efforts of the leaders of the Armed Services Committee.

Ten years after these wars began, it is clear when we transfer detainees to some countries they may well rejoin the fight against our country and our allies. It is time for Congress to establish a permanent policy in the Defense authorization bill that we will not transfer detainees to countries where there have been confirmed cases of released detainees returning to the fight. I urge my colleagues on both sides of the aisle to do exactly that by supporting this bipartisan amendment.

Finally, the people of Maine have a proud history of contributing to the defense of our country. Members of the Maine National Guard have served in Afghanistan and Iraq, as well as Active-Duty soldiers, marines, airmen, and sailors from our State. The Air Guard unit in Bangor continues to perform critical refueling missions for aircraft headed overseas, as it has done since 9/11/2001. Many of the sailors who are deployed serve on 1 of the 101 ships currently underway that were built at Bath Iron Works or on submarines repaired, overhauled, and refueled at the Portsmouth Naval Shipyard in Kittery, ME.

From the Maine Military Authority and the Defense Finance and Accounting Service Center in Limestone to the Pratt & Whitney plant in North Berwick, ME, from cutting-edge composite and renewable energy research at the University of Maine to the innovative high-tech firms throughout our State,

Mainers have faithfully supported our national defense with ingenuity, innovation, and superior craftsmanship.

The investments authorized in this bill support these efforts in Maine and other States throughout the country, and they will continue to ensure that our extraordinary military remains the best trained and the best equipped in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Maine leaves the floor, I wish to thank her for the extraordinary contribution she makes to our committee as well as to the Senate. She and I have worked long together, and we work extremely well together. We have seen a lot of things that were able to get passed because of people working together—a lot of measures that can happen because people are willing to set aside partisanship—and she has been one of the leaders in getting things done in this body and in the committee. I wish to thank her and tell her how grateful a chairman I am for her contribution.

We are working hard on the amendments she has offered. They are being worked on—last week and this week—and we will have something to report to her, I hope, in the next few hours.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I wish to thank the committee chairman for his extremely generous remarks. It has been a great pleasure to serve with him on the Armed Services Committee, and I very much appreciate his outstanding leadership.

Senator LEVIN and I actually go way back to when I was a staffer on the Governmental Affairs Committee. I was a staff director of a subcommittee on which he was the ranking member and chairman. It went back and forth with Senator Cohen. It has been a great honor and pleasure to serve as his colleague during these past 15 years. So I appreciate his comments.

I thank the Chair.

Mr. LEVIN. Mr. President, if I may add one thing; that is, she has also been my chairman, as well as the ranking member, on the Homeland Security Committee. So we have an awful lot of history together. I am glad she did not mention how many years it is we have been working together because that dates us a little bit. But we do go back a long way and have tremendous confidence in each other, as I do in her.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, am I correct that we are on the Defense authorization bill?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, one of the amendments that have been pending is the Leahy-Graham National Guard empowerment amendment, which is amendment No. 1072. I was just discussing with the distinguished leaders of the Armed Services Committee, Senators LEVIN and MCCAIN, the possibility of a time to bring that amendment up for a vote. While we are in quorum calls anyway, let me talk a little bit about what the amendment is.

Over the past decade, as we all know, the National Guard has undergone a profound change—actually, a historic change. Once, it was a hollow force, considered only a strategic reserve for nightmare contingencies, but the National Guard has become an operational reserve that deploys in regular rotation with the Active-Duty Force. As a matter of policy and reality, Army and Air National Guard troops from States around the country shoulder their load overseas, but they also carry a disproportionate share of the domestic response in disaster relief missions at home, including responding to terrorist events. Institutional support for the National Guard still lags behind its operational role.

When I have been on battlefields, whether Iraq, Afghanistan, or elsewhere, and I have talked to the commanders there, they do not know the difference between, when looking at soldiers about to deploy, which one is Guard and which one is regular force because they are deploying together and expected to do the same job. But, unfortunately, today's National Guard is a superb 21st-century force trapped inside the 20th-century Pentagon bureaucracy.

Without raising the profile of the Chief of the National Guard Bureau in the supreme military advisory body of the Department of Defense, the Joint Chiefs of Staff, the United States will miss an opportunity to capitalize on positive changes that began in response to post-9/11 operations tempo. So our amendment makes that change, as well as several others that will enhance the Guard's effectiveness.

I may sound parochial, but I think of immediately after 9/11. We had armed F–16s flying guard over New York City around the clock, day after day. They were from the Vermont Air National Guard, and they maintained their readiness 7 days a week, 24 hours a day, protecting us because we did not know what else might come. Well, I think just about every Senator here could talk about similar types of work the Guard from his or her State has done.

Now, in this period of flatlining or even declining Pentagon budgets, the Department of Defense has to increase the role of the National Guard as an element of the overall force mix. Without the Chief of the National Guard Bureau on the Joint Chiefs of Staff, among the other changes made by this amendment, the unique experience of nearly half a million members of the National Guard will continue to be largely unknown, and their voices, their interests, and their concerns have gone mostly unheard. So the change is not only necessary, it is actually a decade overdue.

This amendment is not just out of the blue. It has 70 cosponsors. More than two-thirds of the Senate support it. It is an overwhelmingly bipartisan majority of Senators. It goes across the political spectrum, and it goes across the States of this Nation. It demonstrates that the provisions contained in this amendment, all of which empower the National Guard, should be included in this year's National Defense Authorization Act.

As I have said, I have been overseas. I know the distinguished Presiding Officer has. Most of us here have. We have watched our troops operate, and you cannot tell which troops are in the Guard and which are Active Duty. Certainly when they are out facing the enemy and putting their lives on the line, there is not a sign that says: Shoot at this one because they are Active but not this one because they are in the Guard. They are all facing the same dangers.

They stand and work side by side. We have to reflect our reality inside the Pentagon as well as outside of it on the battlefield.

I urge all of my colleagues, cosponsors and nonsponsors alike, to join me in making sure the Guard finally has a voice commensurate with its operational role.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Massachusetts. Mr. President, I rise today to speak briefly about the fiscal year 2012 National Defense Authorization Act.

As a member of the Committee on Armed Services and as the ranking member of the Subcommittee on Airland, I can say that it is one of the most, if not the most, bipartisan committees in the Senate. As I have said many times before, we are Americans first, and it is fitting that the Senate still works that way when it comes to providing the tools and resources for our men and women serving in uniform. We recently proved it when we passed the tax credit for unemployed veterans, something I was proud to sponsor, and was also proud to be at the White House for the signing ceremony a little over 1 week ago.

I am proud of this bill as well, which represents a year's worth of hard work and devotion by Senators LEVIN and MCCAIN, and all the committee members and their staffs, for their dedication to putting out a topnotch bill. I want to also thank Senator LIEBERMAN, chairman of the Airland Subcommittee, for his committed leadership and effort on behalf of our military and military families. I have been honored to work with him and his staff throughout the year.

I believe we have developed thoughtful and informed provisions in our subcommittee mark which will authorize funding for our military's most crucial capabilities and resources. Our decisions were informed by a series of hearings that addressed several critical issues facing our air and ground forces, including force structure, modernization of ground forces, tactical aviation, and specifically the F–35 Joint Strike Fighter Program. In the end, I believe we achieved our goal of executing the Secretary of Defense's vision to enhance our Nation's capability to fight the wars we are in today and to address scenarios we are most likely to face in the future. We are hedging against other risks and contingencies also.

I am also very proud that this bill includes an important provision based on legislation I introduced with Senator KELLY AYOTTE last February, which is the No Contracting With the Enemy Act.

I had an opportunity to go in a codel to Pakistan-Afghanistan and met with a lot of the leaders over there, then-General Petraeus and others, and had an opportunity to go back as a soldier recently still serving. Speaking with General Allen and a lot of contracting generals, this by far is the most important piece of legislation we can file when it comes to dealing with funding. After speaking with General Petraeus, General Allen, and all the generals in charge of contracting, I was shocked that we are actually unable to sever contracts once we determine, through the new way of paying of cash versus electronic transfers, that we are actually in some instances contracting with the enemy which in turn is using those funds against our soldiers. We have heard many stories of those funds falling into Taliban hands and other insurgents' hands and used against us. And that, quite frankly, is unacceptable. Can you imagine that our own troops would be forced to continue giving money to the enemy because they are unable to terminate a contract? That makes absolutely no sense. So I was very thankful that the committee chairs and ranking members recognized that this is a critical part of the warfighting effort. As you can imagine, others I noted have found it to be unacceptable as well. So I want to thank Senator AYOTTE for her leadership. Obviously we can fight this disgusting practice and give our troops the power to void any contracts when it is discovered that the contract benefits enemies of the United States. As General Petraeus stated last year: If money is ammunition, we need to make sure it gets into the right hands. And I couldn't agree with that statement more.

The committee had to make some tough decisions in light of the very real fiscal realities we are facing today. It is no secret that our military is already shouldering a burden unlike in years past, not only at home but also abroad. In today's fiscal environment in which it is very tough to get any dollars, our men and women in uniform stood up and stand up and have identified efficiencies and savings, and they should be commended, and so I want to do that right now. I want to say that any consideration of future cuts that place our Nation's military's readiness in jeopardy should receive very serious scrutiny.

Lastly, I want to say that when the time comes, I look forward to supporting and debating the amendment offered by the Senators from South Carolina and Vermont, GRAHAM and LEAHY, along with almost 70 other Senators who support this amendment. This would give the Chief of the National Guard Bureau a seat at the table of the Joint Chiefs of Staff. This could not be more overdue. I think we can all agree that over the past decade the National Guard has experienced momentous change in the way it fights, in the way it trains, and in the way it equips itself, serving alongside their brothers and sisters in arms, and they deserve the same respect with the Joint Chiefs. As a result, the Guard today is much different than the Guard I grew up with when I joined back in 1979. No longer is the Guard considered a strategic reserve used to address limited and unforeseen emergencies. Rather, today's Guard serves alongside its active-duty counterparts in Iraq, Afghanistan, Haiti, and many other strategic locations throughout the world. It serves as the tip of the spear for homeland defense response and disaster relief. They are fighting in many areas overseas, and they are coming home with devastating injuries just like everybody else. Their families are going through the trauma just like everybody else. They fought and died in the war on terror, and they represent thousands of American communities across this great country. I look forward to supporting this amendment when it comes forth.

That said, now that the bill is before the full Senate, I hope we will have an opportunity to conduct meaningful debate, not shutting off debate, not doing cloture before it is time, but allowing us to work as we did recently when we passed the 3-percent withholding, a bill I sponsored, and also the HIRE a Hero Veterans Act, which I also sponsored. Those passed overwhelmingly without any dissenting votes.

I, like my colleagues, have offered several amendments which I feel are relevant to protecting and providing the tools and resources for our men and women who are serving. I look forward to working with the chairman and ranking member to have them considered appropriately.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1072

Mr. GRAHAM. Mr. President, I rise today in support of the Leahy-Graham amendment which hopefully we will vote on here soon.

The amendment is pretty simple. It says the Congress has decided, in its wisdom, to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

In 1947, we reorganized our Defense Department and created the modern Department of Defense and the Joint Chiefs, with a chairman, which would provide military advice to the Commander in Chief, the President of the United States. The Chairman is the person responsible for advising the President, but the Joint Chiefs are made up of the Army, Navy, Air Force, and Marine Corps. With this legislation, the Chief of the National Guard Bureau will become a member—nothing more, nothing less. It doesn't provide any power to the Chief of the National Guard Bureau in terms of commanding troops. It doesn't interfere in the relationship between the active forces, the Guard, or the Reserves. It simply states that now is the time for the National Guard, the citizen soldier, to have a voice on the Joint Chiefs.

The reason I believe it is important is after 9/11, everything about the National Guard and our country's needs has changed. The National Guard is the front-line soldier/airman when it comes to natural disasters. When our homeland is hit by natural disaster, they can be called up federally or at the State level they provide assistance to our citizens. We have seen the effects of natural disasters. There can be a lot of loss of life and property. That is a unique duty. In the last hurricane that came through in the Northeast, the Chief of the National Guard Bureau said that no one from the White House called him, other than a mid-level operative, and he never interacted with the Joint Chiefs at all about the needs and capability of the Guard.

General Dempsey, the new Chairman of the Joint Chiefs, has invited General McKinley, the Chief of the National Guard Bureau, to be an ad hoc member. That is great. But I asked him, if he somehow fell out of favor, could you kick him out of the room, and the answer is, Yes.

I think Congress needs to make a decision about the role of the citizen soldier. If you believe, as I do, that they are indispensable on fighting the war on terror, they have some leading missions when it comes to homeland security post-9/11, their voice needs to be heard. The active-duty forces need to have the Chief of the National Guard Bureau in that room advising them

about the capability and readiness of the National Guard, their dual-status capabilities, what they can do at the State level and the Federal level.

I guess I can boil it down to this. To me, it was a national shame and disgrace to deploy National Guard troops after 9/11 without adequate body armor or equipment, and this will make it very hard for that to happen again because the Chief of the National Guard Bureau will be in the room with his counterparts talking about the needs of this force. Hopefully, the coordination and collaboration through this new change will allow the force to be ready, deployable, and we will never go back to that time period in our history where the Guard and Reserve were called up without adequate equipment, body armor, ready to go to war. This is a change that I think makes sense post-9/11. It doesn't interfere with the day-to-day operations of the military. It doesn't confer any power on the National Guard they don't already have. It is just one more voice at the table at a time when I think that voice needs to be heard. The world has changed. Our Nation's defense needs have changed post-9/11.

We have 67 cosponsors, and I am very proud of the fact that this is one of the most bipartisan pieces of legislation I have ever been involved with. Senator LEAHY has been a great partner, my co-chairman of the Guard caucus, and I look forward to having the vote.

Senators MCCAIN and LEVIN have done a great job managing this bill. If you have amendments, please work with these two gentlemen. We don't want this Congress to go down in history as being the first Congress in 51 years that could not pass a Defense authorization bill. We have enough things going against us already as a Congress. We don't want to add that to the list. So Senator LEAHY and myself are willing to do this by voice vote, whatever the body wishes.

Senator REED, my good friend from Rhode Island, has a second-degree amendment that basically takes our legislation and defeats the purpose of it. Senator WEBB has a second-degree amendment that would substitute a membership and the Chairman of the Joint Chiefs with a reporting requirement that, quite frankly, misses the mark. Both are fine men.

Senator WEBB argued years ago that the Marine Corps needs to be a member of the Joint Chiefs, and everybody thought the Navy would have two votes and they fought passionately against it, and it has worked out pretty well. So all the problems with making the Marine Corps a member of the Joint Chiefs haven't panned out. Goldwater-Nichols was fought by everybody except the Chairman of the Joint Chiefs when it was first introduced. So change comes hard to the Pentagon.

This is a change that I think makes common sense. I would say, after 9/11, our citizen soldiers deserve this recognition. This would be a great step forward in making sure they are integrated and they never go to war again unless they are prepared to go. Having that voice day in and day out in the tank I think will do everybody a lot of good. So I hope we can vote on this soon. I appreciate Senators MCCAIN and LEVIN's leadership on this bill. I think we have a good bill for our men and women in uniform, and I look forward to bringing this to the floor for a vote.

To my colleagues who want to amend the bill, I appreciate the differences that we have but I think the time has come for the National Guard to be a member of the Joint Chiefs of Staff, with a full voice and ability to be heard as they have never been heard before. The reason they need to be heard unlike any other time is that we depend on them unlike any other time, except maybe the first engagement. When you look at who has been around the longest, the first shot fired in creating this Nation was fired by the citizen soldier. Two hundred-something years later, let's make sure that they are integrated into our defense infrastructure at the highest levels, because their voice needs to be heard.

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

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

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

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER DRONEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we in the Senate will confirm Judge Christopher Droney to be U.S. Circuit Judge, Second Circuit. This will be the fifth nominee of President Obama to be confirmed to this circuit, the Second Circuit. In just 3 years, President Obama has matched the number of President Bush's nominees confirmed to the Second Circuit over his entire 8 years in office.

With this vote, the Senate will have confirmed 57 article III judicial nominees during this Congress. This is a great accomplishment considering only six sessions of Congress in the last 30 years have confirmed more judicial nominees. In total, over 71 percent of President Obama's judicial nominees have been confirmed.

The seat to which Judge Droney is nominated has been deemed to be a judicial emergency. This will be the 31st judicial emergency nominee to be confirmed this year. This seat became vacant in July 2009 when Judge Calabresi took senior status. The President first nominated Judge Chatigny to this vacancy. Judge Chatigny is a sitting U.S. district judge in Connecticut. However, after reviewing his record the Senate determined that Judge Chatigny should not be elevated, and his nomination was returned to the White House at the end of the 111th Congress. The President did not renominate Judge Chatigny and instead sent us the nomination of the person we are considering today, Judge Droney.

I raise this bit of history to remind the Senate and those who watch our proceedings of the importance of the role of advice and consent by the Senate, necessary for someone to become a judge. We in the Senate and historically are not here to simply rubberstamp the President's nominees. Even as we give the President's nominees a thorough review, we are doing so in a very reasonable timeframe. During President Bush's administration, circuit nominees were forced to wait on average 247 days for a hearing. President Obama's circuit court nominees have had their hearings on average in just 66 days. The same can be said of President Bush's district court nominees, who waited 120 days compared to only 79 days for President Obama's district court nominees.

In addition, we have reported nominees in a more timely manner. Circuit court nominees have been reported on average in just 113 days compared to 369 days for President Bush's nominees. President Obama's district court nominees have been reported in just 128 days compared to 148 days for President Bush's nominees.

Furthermore, for those who still contend that President Bush's nominees are being treated unfairly, let me point out that we have reported a higher percentage of judicial nominees to the full Senate compared to this point in President Bush's Presidency. Seventy-six percent of President Obama's judicial nominees have been reported to date. At this point in President Bush's Presidency only 71 percent were reported.

Having set the record straight on the work and progress of this committee, I will tell my colleagues why they should vote for Judge Droney to be a circuit judge for the Second Circuit.

Upon graduation from the University of Connecticut School of Law, and that was in 1979, Judge Droney joined the Hartford firm of Day, Berry & Howard and was responsible for civil matters such as personal injury defense, product liability, antitrust and corporate disputes. In 1981, Judge Droney joined the law department of Aetna Life & Casualty for a brief period, working on investment matters.

Following his time at Aetna, he joined the private law firm of Budkley & Santos, which specialized in complex civil and criminal trial work. In 1984, Judge Droney joined the Hartford law firm of Reid and Reige. He became a stockholder and officer in 1987 and was a member of the firm's trial department for 9 years.

As U.S. attorney for the District of Connecticut from 1993 to 1997, Judge Droney personally tried two cases, including the prosecution of the leadership of the Ku Klux Klan in Connecticut, and argued three appeals in the U.S. Court of Appeals for the Second Circuit.

President Clinton nominated Judge Droney to be U.S. district judge for the District of Connecticut June 5, 1997. The Senate voted 100 to 0 to confirm his nomination on September 11, 1997. As a U.S. district judge, he has presided over approximately 3,600 cases and over approximately 60 trials. All in all, Judge Droney's legal career includes 14 years in private practice litigation, 4 years as U.S. attorney, and 14 years as a Federal judge.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Droney with a unanimous ''well qualified'' rating. I ask my colleagues to support the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of the Senator from Iowa. I appreciate his help in getting the Droney nomination moving forward. I do appreciate his help moving these forward.

Today, I am especially pleased that the Senate will have the opportunity to vote on the nomination of Judge Christopher Droney of Connecticut to fill a longstanding vacancy on the Second Circuit, which handles appeals from Federal courts in Vermont, Connecticut and New York. Senator BLUMENTHAL deserves special praise for his efforts to move this nomination through the Committee process. Both Senator BLUMENTHAL and Senator LIEBERMAN support this nomination.

I thank the majority leader for securing a vote on this nomination. I have been urging a vote on this consensus nominee for weeks; his nomination has been stalled and has been repeatedly skipped over for no good reason. Despite the long standing judicial emergency, Senate Republicans have refused until now to consent to take up Judge Droney's nomination, delaying the Senate from considering it for more than 4 months.

Judge Droney will fill a judicial emergency vacancy on the Second Circuit, a vacancy that has existed for well over 2 years. The Republican members of the Judiciary Committee opposed President Obama's first nominee to fill this vacancy and effectively ended the nomination of Judge Bob Chatigny when they voted against him on a party-line basis last year and insisted that his nomination be returned to the President without Senate confirmation. I regret that because I know Judge Chatigny to be an outstanding Federal district court judge and am sure he would have been an outstanding circuit judge, as well. That opposition was not only unfair to Judge Chatigny, but it served to perpetuate this vacancy for an additional year.

Judge Droney's nomination was considered at a hearing of the Judiciary Committee in June and then reported unanimously by the Committee to the Senate in July. It has been needlessly stalled since then, despite the fact that all Republican, as well as all Democratic, members of the Committee support this nomination. Now that the Republican leadership is finally allowing consideration of this nomination after a needless, additional 4-month delay, I am certain the Senate will act to confirm Judge Droney.

Judge Droney is an experienced jurist with nearly 15 years of experience as a Federal judge in the District of Connecticut, a court to which he was confirmed by the Senate in 1997. He has handled thousands of cases, and has frequently sat by designation on the circuit court to which he is nominated. Prior to joining the Federal bench, Judge Droney was the U.S. Attorney for the District of Connecticut, where he helped the office achieve over 150 gang-related convictions and received national recognition for his efforts to support community crime-prevention programs. He spent 14 years as a litigator in private practice, and was mayor of West Hartford, Connecticut. Judge Droney received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, unanimously ''well qualified.'' As I have already noted, he is supported by both his home State Senators.

While we will vote tonight on Judge Droney's nomination, I am disappointed that the Senate Republican leadership would not agree to a vote on the other 22 judicial nominees waiting for final Senate action. All of the judicial nominees on the Senate calendar are qualified and have the support of their home State Senators. They include other judicial emergency vacancies. One of those and one on which I have been urging immediate action would be filled by a vote on the nomination of Morgan Christen of Alaska. She is nominated to fill one of the many vacancies on the Ninth Circuit. Her nomination, too, was reported unanimously and has the support of her home state Senators—one a Republican, the other a Democrat. The almost 2 months that action on her nomination has been delayed is inexcusable and damaging.

We continue to hear from chief judges about the overburdened courts in their districts and circuits. Most recently, we heard from Chief Judge Audrey Collins of the Central District of California and Chief Judge Anne Conway of the Middle District of Florida. In a recent letter to Senate leaders, Bill Robinson, the president of the American Bar Association, warned of the detrimental effect of excessive vacancies and high caseloads. Justice Scalia, Justice Kennedy, Chief Justice Roberts, the Attorney General and the White House counsel have also warned of the serious problems created by persistent judicial vacancies. This is an issue affecting millions of hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

Despite the high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003.

As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees. This lack of progress led to the longest period of historically high vacancies in the last 35 years.

The 58 circuit and district court nominations we have confirmed thus far this year is still behind the 68 we confirmed in the third year of President George W. Bush's first term. What makes the claim of progress even more misleading is that of the nominations confirmed this year, 17 could have and should have been confirmed when they were reported by the Judiciary Committee last year. Instead, it took us until June of this year to consider and finally confirm those nominees. Even including these nominees on this year's total, the Senate's progress this year barely cracks the top 10 years for confirmed nominees in the last 35 years.

The truth is that the actions of the Senate Republican leadership in stalling judicial nominations during President Obama's first 2 years led to confirmation of fewer judges, leading to high vacancy numbers across the country. The Republican leadership allowed the Senate to confirm only 47 circuit and district court nominations last year and set the modern record for fewest nominations confirmed with only 13 the year before—a total of 60 nominees confirmed in President Obama's first two years in office—leading to judicial vacancies that stood at 97 at the start of this year. In stark contrast, at the start of President Bush's third year, 2003, judicial vacancies stood at only 60 because the Senate had confirmed 72 of

his circuit and district court nominations the year before, and 28 in his first year in office, a total of 100 in the 17 months prior to 2003 with a Democratic majority.

The 100 circuit and district court nominations we confirmed in President Bush's first 2 years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 the Senate was allowed to confirm in President Obama's first 2 years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real progress, in 2003 we proceeded to confirm more judicial nominations than there were vacancies at the start of that year, and reduced vacancies even further.

By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. So far, the Senate has confirmed only 118 of President Obama's district and circuit nominees. To make real progress this year, the Senate needs to consider the other 22 judicial nominations pending on the Senate calendar and the 4 additional judicial nominees who can be reported by the Judiciary Committee in December after participating in our hearings in November. Senate action on those 26 nominees before adjournment would go a long way to help resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

With less than 4 weeks left before Senate adjourns for the year, we need to consider at least 7 judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership.

We should not end another year with the Senate Republican leadership refusing to give final consideration to qualified judicial nominees and insisting that those nominations be returned to the President to begin the process all over again. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

VIOLENCE AGAINST WOMEN

Mr. President, I am pleased that on Wednesday, Senator CRAPO and I will introduce the bipartisan Violence Against Women Reauthorization Act of 2011. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. I am honored to help lead the effort to see it reauthorized.

Since its passage in 1994 no other piece of legislation has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes. They have improved the response of law enforcement and the justice system. They have provided essential services for victims struggling to rebuild their lives. It is a law that has saved countless lives and it is an example of what we can accomplish when we work together.

Years ago, when I was a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA when too often people dismissed these serious crimes with a joke and there were few if any services for victims. I looked around desperately trying to find somewhere to help the victims. There were no services. I had to call people to volunteer. My wife and I oftentimes paid for the expenses of taking care of victims.

It was the same everywhere around the country. We have come a long way since then, but there is much more that we can do. I would love to say there is no more domestic violence, and we do not need this, but we know there are thousands upon thousands of cases that have to be resolved.

Over the last few years the Judiciary Committee has held several hearings on VAWA in anticipation of this reauthorization. We have heard from people from all over the country. They have told us the same things I hear from service providers, experts and law enforcement officials in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain. There is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive relationship and can make it harder for victims to rebuild their lives.

At the same time, State budget cuts are resulting in fewer available services. Just this summer, Topeka, KS, took the drastic, almost unbelievable step of decriminalizing domestic violence because the city did not have the funds needed to prosecute these cases. In other words, no matter how badly someone is beaten or abused or violated, they say: Sorry we cannot prosecute this case. We cannot afford to.

We have to do better than that. How do we tell a battered, bruised and beaten victim: Sorry, change the locks on your door or try not to stay at home because they usually come back and do it again; but there is nothing we can do to help you? I cannot believe this country has come to that.

Budgets are tight, but it is unacceptable to turn our backs on these victims. For many, the programs funded by the Violence Against Women Act are nothing short of a lifeline. I mean just that, a lifeline, because it has saved lives.

The reauthorization that Senator CRAPO and I will introduce on Wednesday will reflect the ongoing commitment of Congress to end domestic and sexual violence. It seeks to expand the law's focus on sexual assault to assure access to services for all victims of domestic and sexual violence and to address the crisis of domestic and sexual violence in tribal communities, among other important steps.

It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. I am honored to work with Senator CRAPO to build on that foundation. I hope Senators from both parties will vote to quickly pass this critical reauthorization to provide safety and security for victims across America.

All anyone has to do is read the transcripts of some of the hearings we have had on this issue. Where people like the distinguished Presiding Officer and myself and others who served in law enforcement or served as prosecutors—we know it goes way beyond just statistics. These are people who have been violated, who turn to their country, to their government for help, for safety. Don't let the Senate say: No. We are going to close the door in your face.

I see the distinguished senior Senator from Connecticut, and I will yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague, the distinguished chair of the Judiciary Committee, for his kindness.

Mr. President, as the Speaker sometimes says in the House, it is really a high honor and great personal privilege—with the emphasis on ''personal''—to come to the floor of the Senate to give my strong support to the nomination of Judge Christopher Droney of West Hartford, CT, to serve as U.S. Circuit Judge on the U.S. Court of Appeals for the Second Circuit. I say it is a high honor because I have profound confidence based on Judge Droney's service as a private attorney, a U.S. attorney, and now for quite a while as a member of the district court in Connecticut. I have great confidence that he will make an excellent addition to this very important court, the U.S. court for the Second Circuit.

I say it is a great personal privilege to be able to speak on behalf of his nomination because, as the occupant of the chair, my colleague from Connecticut, knows well, I have known Chris Droney for a long time now. He and his brother John have been very good friends of mine, great supporters, great sources of counsel, great friends. Both are graduates of the College of Holy Cross. The older brother John, who has less of a judicial temperament than the younger brother Chris—fortunately, we are approving Chris here for the court, not John. But John tells me, having been to Holy Cross, it is still

politically acceptable to note that the graduates of Holy Cross consider themselves Crusaders. Both John and Chris Droney have been crusaders for what is right in the best sense of the word. I value their personal friendship. We have gone through a lot together, not just in politics, but I have seen their families grow.

I have gotten to know their families. I know what they are made of. We have gone through the natural lifecycle tragedies of losing parents, et cetera, together.

Chris Droney is a person of real depth and real ability and will make an excellent judge. So I stress the personal part because it adds a dimension that you and I both, Mr. President, have had the opportunity to have, which is, beyond the resume of Chris Droney, which I am going to mention in a moment, there is a person here, and he is a person who exemplifies what we mean when we talk about a judicial temperament, who we know has a great intellect, tremendous legal acumen, who we know is hard-working, and who we know brings common sense to everything he has done.

I mentioned John Droney just because they go together as brothers, and there is nothing that matters more to John—the older and obviously less attractive of the two—than the pride he has in his brother's achievements, though John himself, of course, has been a very successful and distinguished member of the bar in Connecticut. So let me focus on the younger brother, who is the subject of our consideration today.

I mentioned that Judge Droney attended the College of Holy Cross in Massachusetts, from which he graduated magna cum laude in 1976. He went on to attend the University of Connecticut Law School, where he was the notes and comments editor on the Law Review, and earned his J.D.—doctor of jurisprudence—in 1979.

After graduating from law school, he worked in private practice as a litigation associate handling a range of matters, mostly civil at that point. In 1983, he became a partner at the well-respected law firm of Reid and Riege in Hartford, where he represented clients in a wide range of civil matters, including commercial disputes, personal injury actions, property claims, and intellectual property matters. Judge Droney personally tried cases in the Connecticut Superior Court, the U.S. district court in Connecticut, and argued appeals in the Connecticut Appellate and Supreme Courts and in the U.S. Court of Appeals for the Second Circuit, the court for which he is being considered today.

During this period, Judge Droney, like his brother, was involved in public life in Connecticut and served, in his case, on the town council of West Hartford as deputy mayor from 1983 to 1985 and as mayor from 1985 to 1989.

In 1993, President Clinton nominated Chris Droney to be the U.S. attorney for the District of Connecticut, where he served with great distinction and affect until 1997. As U.S. attorney, he initiated new cooperative law enforcement efforts against gangs, health care fraud, and financial fraud, in addition to personally trying some major cases in Connecticut and across New England and successfully arguing cases before the Second Circuit Court of Appeals—again, the court he is being considered for today in a vote that will occur shortly.

Judge Droney was selected by then-Attorney General Janet Reno to serve on the Attorney General's Advisory Committee of U.S. Attorneys in which he was one of 17 U.S. attorneys selected to assist the Department of Justice on a range of pressing matters.

In 1997, after 4 years as U.S. attorney, Chris Droney was nominated to the district court in Connecticut by President Clinton and I might say for the second time was confirmed unanimously by this Senate. Since then, as a district court judge, he has presided over numerous Federal, civil, and criminal trials and has consistently demonstrated sound judgment and great legal acumen in his many decisions covering an array of complex and sensitive matters. Judge Droney's career speaks to a profound commitment to the rule of law and the credibility of the legal system.

I know there is a tendency to want to find out, is this judge a liberal, is he a conservative, is he a conservative? I don't think you can put a label on Judge Droney. Some might say he is a moderate. Others might say he is an Independent. I think he is known as somebody who is fair and will take every case as it comes along and decide it on the merits.

So now he has been nominated to serve on the Second Circuit Court of Appeals. I want to personally express my thanks first to President Obama for submitting his nomination for this very esteemed court and secondly to our colleagues on the Judiciary Committee, both of whom have been kind enough to be on the floor and speak on his behalf, Senator LEAHY, who is chairman of the committee, and Senator GRASSLEY, the ranking member. I was particularly grateful for Senator GRASSLEY's comments about Judge Droney's capabilities. This is a good man who believes in the law and is tremendously experienced.

Incidentally, he sat as a visiting judge on the Second Circuit Court of Appeals and has actually written, I believe, five opinions for the Second Circuit Court of Appeals already. So this is somebody who will hit the ground running with the support of the Senate this afternoon.

I will repeat what I said at the beginning. It is not only a high honor and one that I don't take lightly but also a great personal privilege to urge my colleagues to support the nomination of Judge Christopher Droney of Connecticut to be a member of the U.S. Court of Appeals for the Second Circuit.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Connecticut.

Mr. BLUMENTHAL. I ask that the order for the quorum call be rescinded.

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

Mr. BLUMENTHAL. Mr. President, I am honored to follow the senior Senator from Connecticut—rising now as the junior Senator from Connecticut—for the same purpose: to urge my colleagues to approve Christopher Droney as a judge on the Second Circuit Court of Appeals. I also would like to join in thanking the chairman and ranking member of the Judiciary Committee for bringing this nomination to the floor.

Incidentally, I wish to join in Senator LEAHY's very eloquent remarks on the Violence Against Women Act, which I too will support after it is introduced. The reauthorization is very much needed, particularly at this point in our history, and I thank him for taking the leadership on this issue as on so many.

I thank the senior Senator from Connecticut for championing this nomination, and I thank our colleague, the majority leader, HARRY REID, who is extraordinarily insightful and sensitive to the importance of judicial nominations since he is a lawyer himself—and a very skilled and able one—and has supported this nomination.

Today is a very meaningful one for me personally, almost a magical and very momentous moment to stand in this historic and hallowed place and participate in the approval of a man whom I have known for more than 30 years to a position of the utmost importance, a position of trust and responsibility as important as any in this land, and a person of supremely well-recognized qualifications and experience for this position. Indeed, his life has been almost a preparation for this chapter in his career.

I am privileged and honored to have been a colleague and friend and professional ally of his for more than 30 years. I have known him since his graduation from law school in 1979. We were in litigation together in private practice. When I was U.S. attorney for Connecticut and later attorney general, we worked together. Indeed, when he was U.S. attorney, following my service, we were partners in law enforcement in a number of cases. I had the direct and immediate experience of seeing many of his prosecutions, his intensity of commitment not just to a successful investigation and prosecution but his commitment to doing justice, which is the highest calling of a prosecutor—indeed, of any lawyer.

When he became a judge, I had the honor of appearing before him, presenting witnesses, arguing cases, and to have firsthand experience again with the quality of his professional work.

I have to admit my office as attorney general did not win every case. We lost some. But whether we won or lost, we emerged from those experiences with an unqualified respect for the quality of his fact-finding, his scholarship and, again, his commitment to doing justice.

He has demonstrated as a district court judge the qualities I know he will bring to the court of appeals: extraordinary scholarship and intellect, an adherence to precedent, a careful analysis of the law, a thoughtfulness and responsiveness in the questions he asks, and an insight into the factual record as well as the truthfulness of witnesses. He has what I consider to be the most important qualification for any judge, which is a capacity for growth, for learning and listening. He is, above all, a good listener, a sensitive and responsive listener. He has indeed the qualities that are exemplified by the man he will be replacing—Guido Calabresi—a judge known to the senior Senator from Connecticut as well as myself; indeed, a teacher of mine when I was at Yale Law School and I believe very possibly of the senior Senator as well—a person of exquisite sensitivity and sensibility and common sense. Those are the qualities of Christopher Droney: sensibility, sensitivity and common sense, and he shares with Guido Calabresi the grace of writing and sense of history that are so important to the Court of Appeals for the Second Circuit.

The PRESIDING OFFICER. All debate time has expired.

Mr. BLUMENTHAL. I am proud to join in supporting this nomination. I wish him well, and I ask my colleagues to join in approving him when the vote is taken. Thank you.

The PRESIDING OFFICER. The question is on the nomination of Judge Christopher Droney.

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

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

The question is, Will the Senate advise and consent to the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 209 Ex.]

YEAS—88

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

NOT VOTING—12

Begich	Kirk	Paul
Blunt	Landrieu	Toomey
DeMint	Menendez	Vitter
Harkin	Murkowski	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, there will be no more votes tonight. We hope the managers of the bill can process some amendments, but there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wonder, if it is agreeable to the majority leader, rather than wait on the amendment concerning the National Guard, perhaps in anticipation of that eventuality the Senator from Vermont and the Senator from South Carolina would be allowed to speak on that amendment in the case that it is accepted. If not, then their words, as usual, would not be much.

Mr. REID. That is fine. We would have debate only on this matter, with Senator LEAHY recognized for up to 10 minutes and Senator MCCAIN for up to 10 minutes.

Mr. MCCAIN. I thank the majority leader.

Mr. REID. By then we hope to have a unanimous consent agreement that would be universal in nature.

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

The Senator from Vermont.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, I will not use all my time, by any means. I spoke earlier about this. I appreciate the courtesy of the distinguished senior Senator from Arizona.

Senator GRAHAM and I, as cochairs of the National Guard Caucus, introduced amendment No. 1072. I spoke earlier this afternoon about it, so I will not speak longer on it, except to say the amendment is long overdue. The men and women of our Guard deserve the same recognition as everyone else in uniform. It is high time we made sure they receive it.

Senator GRAHAM has been a close and valued partner in helping us bring about this bipartisan piece of legislation. Republicans and Democrats across the political spectrum have cosponsored it.

I will close with this. The Senator from Arizona has been in war zones probably more than I ever will in my lifetime. The Senator from South Carolina certainly has been in Iraq and Afghanistan more than most Members of this body. But I think every one of us who has been in a war zone knows this. We see soldiers going out to face battle. Nobody knows whether they are members of the Guard or the regular forces. Certainly those who would do harm to our men and women in uniform do not say we will do different harm to members of the Guard or members of the regular forces. I say this because they all put their lives on the line. They all go through training. And we could not field the forces our Department of Defense is called upon to field without our Guard and Reserve. So I do hope the Leahy-Graham amendment No. 1072 will pass.

I yield to Senator GRAHAM.

Mr. GRAHAM. Mr. President, I want to thank both Senators MCCAIN and LEVIN for organizing this debate on this amendment in a way that maybe

we can get closure on this amendment tonight. Both our ranking member and the chairman have been very helpful in pushing an amendment forward where we have 71 cosponsors.

To Senator LEAHY, I want to say it has been a real privilege and joy working with you on this. We had 71 Members of the Senate sign onto the legislation, and it is simple. It says the Chief of the National Guard Bureau will now be a member of the Joint Chiefs. What does that mean in the real world? It means the citizen soldier's voice will be heard at the highest levels of our government.

After 1947, we reorganized the Defense Department. It became the modern Defense Department with the Joint Chiefs, where we have representatives from the Marine Corps, the Air Force, the Army, and the Navy, and now the citizen soldier. Why is that important? After 9/11, the Guard's role in defending this Nation changed substantially. The Guard and Reserves—but particularly the Guard, on the front lines of homeland security defense—have dual missions. They are the first to answer a natural disaster that hits America in uniform. They are the front-line troops. They have been integrated into the Army and Air Force in a fashion where they were deployed constantly to war zones.

The citizen soldier fired the first shot to create this Republic, and now is the time to recognize the role they play post 9/11. The real reason we want this is because we want a line of communication that is uninterrupted. We want to make sure the Guard and Reserve component, but through the Guard particularly, are recognized as an integral part of our national security, State and Federal.

The idea is that in the next war a Guard unit from Vermont, South Carolina, Connecticut—you name the State—would go to war without body armor to keep people safe, without the equipment they need to fight in the war is less likely to happen if we have the Chief of the National Guard Bureau in the tank with his colleagues talking about the needs of the National Guard. This doesn't change the legal structure. It doesn't provide command authority to the National Guard Chief. It simply puts him or her in the room, giving voice to the citizen soldier at a time we need it.

I cannot thank Senator LEAHY enough, and all those at the National Guard associations throughout the country, who called their Congressmen and their Senators. This bill passed the House, and now it will be adopted, hopefully by voice vote.

I can tell you in the world in which we live, in the 21st century, having the guardsman's voice inside the Joint Chiefs is going to make us a safer Nation. It is a recognition and honor well deserved, long overdue, and I want to thank all my colleagues who have made this possible.

And to the managers of this bill—the chairman and the ranking member—I want to thank you for accommodating us.

To all my colleagues, come down here and work with Senators MCCAIN and LEVIN on your amendments. Because we don't want to be the Congress for the first time in 51 years that failed to pass the Defense authorization bill.

With that, I yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would join the Senator from South Carolina in thanking Senator LEVIN, the chair of the Armed Services Committee, and Senator MCCAIN, the ranking member, who worked closely with us. But I must say again, my good friend from South Carolina, I think even as late as a week ago, in the meeting we had with the Secretary of Defense, talked about this need.

We have tried not to show any light between one Republican and one Democrat but to do what was best here. I want to see the Senate get back to the days when Republicans and Democrats work together like that. But I thank the distinguished Senators from Michigan and Arizona for their help.

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

Mr. MCCAIN. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Since, apparently, this amendment will be passed and signed by the President, is the Senator from South Carolina interested in being the head of the——

The PRESIDING OFFICER. Does the Senator from Vermont withdraw his request for a quorum call?

Mr. LEAHY. For debate only.

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

Mr. MCCAIN. I don't seek recognition.

Mr. GRAHAM. I think I know where the Senator was going, and the answer will be no. The Guard has enough challenges without promoting me.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that the pending McConnell amendment No. 1084 and the pending Menendez amendment No. 1292 be withdrawn and it be in order for the majority leader or his designee to call up the Menendez-Kirk amendment No. 1414; that notwithstanding cloture being invoked, if invoked, that at a time to be determined by the majority leader, after consultation with the Republican leader, and prior to the vote on passage of the Defense authorization bill, there be up to 1 hour of debate equally divided in the usual form on the Menendez-Kirk amendment; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the Menendez-Kirk amendment; further, that no amendments, motions, or points of order be in order to the amendment prior to the vote other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank the majority leader for working very hard to see that we could move forward with this legislation and reach an agreement on a very significant issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1414

(Purpose: To require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran)

Mr. LEVIN. Mr. President, pursuant to that unanimous consent order that was just entered, I now would call up the Menendez-Kirk amendment No. 1414.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. MENENDEZ and Mr. KIRK, proposes an amendment numbered 1414.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEVIN. Mr. President, that amendment now I guess would return to the position that it has under the unanimous consent agreement that was just entered; is that correct?

The PRESIDING OFFICER. The amendment the Senator just called up is pending at this time. Does the Senator wish to return to the regular order?

Mr. LEVIN. What is the regular order now that we are going back to it?

The PRESIDING OFFICER. The regular order is the Senator's amendment No. 1092.

Mr. LEVIN. And that is the Levin-McCain amendment?

The PRESIDING OFFICER. Correct.

AMENDMENT NO. 1092

Mr. LEVIN. I ask unanimous consent that we proceed immediately to the Leahy-Graham amendment on the National Guard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate on the amendment,

without objection, the amendment is agreed to.

The amendment (No. 1072) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, we now have an understanding with Senator UDALL that he would be recognized first tomorrow morning to call up amendment No. 1107.

I ask unanimous consent that when we come in tomorrow morning, Senator UDALL be recognized after the leaders are recognized to call up that amendment.

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

The Senator from Arizona.

Mr. MCCAIN. It is my understanding that Senator UDALL has also agreed to a half hour equally divided—debate, equally divided?

Mr. LEVIN. That is my understanding.

We will leave that issue for the closing statement, that he be recognized. First, I agree with the Senator from Arizona that we agree there be a half hour equally divided on the amendment. But let's leave the exact wording on that for the closing.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

REMEMBERING FREDERIK MEIJER

Mr. LEVIN. Mr. President, I wish to speak to mark the passing of Frederik Meijer, one of Michigan's most distinguished leaders in business and philanthropy. Barbara and I were saddened to learn of his passing on Friday at the age of 91. It is by no means an overstatement to say that Fred Meijer changed the face of our State, and the legacy he leaves will continue to affect us in Michigan and America and beyond for decades hence.

Most Michiganians know him best through the business he built, one of the largest family owned companies in the Nation. Fred grew up working long hours in the Greenville, MI, grocery store that his father, an immigrant from Holland, opened in 1934. Over the next three decades the business grew until, in 1962, Fred and his father expanded from groceries into general merchandise. They called their new store ''Thrifty Acres,'' and it led the way to the supercenter retail stores that are now so much a part of the American consumer's daily experience. Today, Grand Rapids-based Meijer, Inc. has more than 200 stores across the Midwest, and the company is a major part of the West Michigan economy.

But Fred Meijer was not content to be just a pioneering entrepreneur. As the company grew, so did his lifelong drive to make the world around him a better place. He was an early and eager supporter of the civil rights movement. He was deeply involved in efforts by the Urban League to promote education and equal opportunity.

One of his many lasting legacies is the Frederik Meijer Gardens & Sculpture Foundation. Established in 1993, the foundation embodies Fred's commitment to ensuring that art and beauty are available to everyone. The park and gardens that the foundation supports house his collection of sculpture, one of the finest collections anywhere in the world, and places it in surroundings of incredible natural beauty.

Beyond the foundation, over the years he made generous gifts to support recreation and conservation efforts, schools and colleges and dozens of other institutions and charitable efforts across the State. There are few residents of our State who have not been touched in some way by his generosity. I have seen firsthand that generous and independent spirit, and I shall personally miss him, and personally feel the gap his passing has left in our State.

Barbara and I send our condolences to his wife Lena, his partner in life and business and philanthropy; their sons Hank, Doug and Mark; their seven grandchildren; and the multitude of those who will miss Fred's immense presence. He will indeed be missed. What a man. What a life. What a force for good in the world.

HONORING OUR ARMED FORCES

CORPORAL ZACHARY REIFF

Mr. GRASSLEY. Mr. President, since the Senate last convened, I have learned of the loss of a brave Iowan who was defending freedom overseas. Marine Corporal Zachary Reiff was wounded during combat operations in Helmand Province, Afghanistan and later succumbed to his wounds. This news has hit the close knit community of Preston, IA very hard. My prayers go out to all who knew Zach, particularly his parents Marcia and Matt, as well as his brother Kolby and his sister Emily. By all accounts, he was active in school, having played football, wrestled, and ran track as well as participating in school plays. As such, there was certainly no shortage of people in the community with memories to share. It is also evident that Zach is well thought of judging by the outpouring of good will following the news that he had been wounded. Zach is described as a caring person. Certainly, the beaming smile in many pictures posted on a Facebook prayer page in his honor makes even those who didn't know him wish that they had.

Friends say that Zach was proud to serve his country and liked his work. Zach Reiff is one of those special Americans who throughout our history have not hesitated to put their life on the line for the Stars and Stripes and everything it stands for. Our country is truly blessed to have patriots such as Zach Reiff. We owe him more than we can express and we have an obligation to remember him and his sacrifices in the name of liberty.

CUT ENERGY BILLS AT HOME ACT

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Cut Energy Bills at Home Act, which Senator SNOWE, Senator BINGAMAN and I have introduced. It has been a pleasure to work again with Senators SNOWE and BINGAMAN on an important piece of energy legislation. We have written this bill in a fully cooperative process, and my colleagues have been especially accommodating of changes requested by California's experts; I thank my colleagues for their efforts.

This legislation would put the construction industry back to work by creating a homeowner tax credit for home renovations that increase the energy efficiency of the home by at least 20 percent. The tax credit would increase in size with every 5 percent in additional energy efficiency improvement achieved. Homeowners who improved the efficiency of their home by more than 50 percent will qualify for a maximum credit of $5,000.

This legislation helps address the continued high unemployment in the construction sector while making a long-term investment in America's building infrastructure. The construction industry has the highest unemployment rate of any sector nationally, according to the Bureau of Labor Statistics.

The current residential building stock exceeds demand, making a rapid recovery in new housing starts unlikely. According to the Census Bureau, 14.3 percent of the housing units in the United States in the second quarter of 2011 were vacant, even as prices continue to drop.

Thus the construction industry needs jobs, but artificially stimulating construction of new homes would exacerbate a situation of oversupply and depress home prices further.

Our Nation's buildings also need the upgrade. Buildings account for about 40 percent of the U.S. energy appetite, as well as 40 percent of its carbon dioxide

emissions, according to the Department of Energy. However, the consulting firm McKinsey and Company has found that improving building energy efficiency is one of the most cost effective ways to reduce greenhouse gas emissions.

Since 1974, California has used mandates, regulations and incentives to hold its per capita energy consumption essentially constant, while energy use per-person for the United States overall has jumped 50 percent.

This legislation provides a solution by stimulating the renovation of existing homes.

This is a jobs bill that provides incentives to reward energy efficient renovations that will create jobs in the construction sector, avoid increasing the supply of housing beyond demand, decrease energy use and reduce pollution, and expand the market for efficient technology and products.

This bill would create the first tax incentive for energy efficiency home renovation based on the energy performance of the home rather than the cost of the equipment.

This concept, which Senator SNOWE and I first proposed in 2007 as part of the Extend Act, is recommended by most energy efficiency experts.

Current policy allow homeowners to claim credits for the purchase of energy efficient insulation, windows, doors, heaters, air conditioners and water heaters. This approach is very expensive, largely due to claims filed for windows.

By restructuring the credit to apply to whole-home energy renovations that reward energy efficiency performance instead of the cost of equipment, this proposal has the potential to increase effectiveness while substantially lowering costs.

The legislation also includes provisions to ensure effectiveness and prevent abuse. The work must be done by a contractor who must sign an affidavit certifying the work was done and submit photographs of the work. The contractor must use certified, computer-based energy efficiency measurement tools. The credit would be limited to renovations of primary residences that do not increase the size of the home, and the credit would be capped at no more than 30 percent of the cost of renovation, to prevent homeowners from making large claims for relatively inexpensive renovations. As a tax credit, all claims would also be subject to IRS audits.

The bill is supported by the California Energy Commission, the Alliance to Save Energy, Efficiency First, the American Council for an Energy Efficient Economy and the Natural Resource Defense Council.

By offering incentives for energy efficient renovations, this bill helps create jobs in California's ailing construction sector while at the same time decreasing energy use and pollution.

This sort of investment, putting Americans back to work while leaving behind lasting improvements, is the type of legislation on which Congress should be spending time.

ADDITIONAL STATEMENTS

REMEMBERING HARRY PACHON

● Mrs. BOXER. Mr. President, I wish to honor Harry Pachon, one of our Nation's most dedicated scholars and civil rights leaders, who passed away on November 4, 2011.

Harry Pachon was born to immigrant parents in Miami, FL, in 1945 and spent part of his childhood in Colombia. He returned to the United States, where he completed high school in Montebello, CA, and earned a bachelor's degree and a master's degree in political science from California State University, Los Angeles, and a Ph.D. in government from Claremont Graduate University.

Mr. Pachon dedicated his life to public service and fought tirelessly to elevate the role of the Latino community in politics. After serving as the chief of staff for Los Angeles Representative Edward R. Roybal, Harry became a founding board member and executive director of the National Association of Latino Elected and Appointed Officials. Beginning in 1993, Mr. Pachon became the president of the Tomás Rivera Policy Institute in California. Under his leadership, the institute conducted groundbreaking research on key issues facing the Latino community, including immigration, education, and political participation, and brought national attention to the needs of Latinos. In 2003, the institute moved to the University of Southern California, where Harry was a beloved and respected professor of public policy.

I invite all of my colleagues to join me in honoring Harry Pachon and extending our deepest condolences to his wife Barbara; his children, Marc, Melissa, Nicholas, and Andrew; and his four grandchildren. He will be deeply missed.●

REMEMBERING DANIEL G. MCKAY

● Mrs. MCCASKILL. Mr. President, today I wish to honor the life of Daniel G. McKay who passed away on November 10, 2011. It is with deep sorrow that I offer my condolences, to his wife Sharron for the loss of her beloved husband, to his two sons: Dan Jr. and Mark, and to his three grandchildren; Jesse, Dana and Danny.

A native of St. Louis, MO, Dan grew up in north St. Louis and attended Central High School. He began his career after high school as a truck driver and worked for over 30 years as a driver for several local companies.

Dan assumed leadership in the Teamsters and spent much of his life and career working tirelessly to secure the rights of working men and women. Within Teamsters' Local 600, Dan held several leadership positions including business representative, recording secretary and President. His passion for helping others also led Dan to become President of Teamsters Joint Council 13 in 2002, representing over 25,000 Teamster families in Missouri. Dan also held several positions in the Missouri Kansas Nebraska Conference of Teamsters. He retired from both Local 600 and Joint Council 13 in March, 2010.

It is with great humility and respect that I honor Dan today. His dedicated leadership improved the work experience for many Missourians, and under Dan's leadership the Teamsters organized and educated workers so they would know their workplace rights and could participate fully in our democratic society.

Dan touched the lives of many, and improved the quality of life in the community at large. The International Brotherhood of Teamsters has lost a friend and an advocate, and I have lost a dear friend, advisor, and confidant.

Dan was afraid of no one when it came to defending his friends or confronting his adversaries. When I explained to him one time that his political support of me was going to cause him trouble, he said, ''Nothing that I can't handle. We are in this together.''

Dan will certainly be remembered for his gruff but engaging personality as well as for his many accomplishments. Dan was tough, but under that tough exterior was a huge heart filled with love for his family, for his community and for his brothers and sisters in labor.

Dan's life and commitment to others serve as an inspiration to me and to all Missourians. Our State has truly lost a leader and a hero.

I extend my deepest sympathies and sincerest condolences to Dan's family in their time of bereavement, and I invite the Senate to join me in honoring the life and accomplishments of this son of Missouri.●

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN, RECEIVED DURING ADJOURNMENT OF THE SENATE ON NOVEMBER 21, 2011—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national

emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders.

In the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (22 U.S.C. 8501 *et seq.*) (CISADA), which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. The Congress also found in CISADA that economic sanctions imposed pursuant to the provisions of CISADA, the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), and IEEPA, and other authorities available to the United States to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA (22 U.S.C. 8514(a)), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in ISA, as amended by, *inter alia*, CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed pursuant to ISA by the Secretary of State.

This order expands upon actions taken pursuant to ISA, as amended by, *inter alia*, CISADA. The ISA requires that, absent a waiver, the President impose at least three of nine possible forms of sanctions on persons determined to have made certain investments in Iran's energy sector. The CISADA expanded ISA to, *inter alia*, require the same treatment of persons determined to have provided refined petroleum to Iran above specified monetary thresholds or have provided certain goods, services, technology, information, or support to Iran related to the importation or development of refined petroleum. This order authorizes the Secretary of State to impose similar sanctions on persons determined to have provided certain goods, services, technology, or support that contributes to either Iran's development of petroleum resources or to Iran's production of petrochemicals, two sectors that continue to fund Iran's illicit nuclear activities and that could serve as conduits for Iran to obtain proliferation sensitive technology. Because CISADA has impeded Iran's ability to develop its domestic refining capacity, Iran has tried to compensate by using its petrochemical facilities to refine petroleum. These new authorities will allow the United States to target directly Iran's attempts to subvert U.S. sanctions.

This order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose sanctions on a person upon determining that the person:

—knowingly, on or after the effective date of the order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of $1,000,000 or more or that, during a 12-month period, has an aggregate fair market value of $5,000,000 or more, and that could directly and significantly contribute to the maintenance or enhancement of Iran's ability to develop petroleum resources located in Iran;

—knowingly, on or after the effective date of this order, sells, leases, or provides to Iran goods, services, technology, or support that has a fair market value of $250,000 or more or that, during a 12-month period, has an aggregate fair market value of $1,000,000 or more, and that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products;

—is a successor entity to a person that engaged in a provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order;

—owns or controls a person that engaged in provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order and had actual knowledge or should have known that the person engaged in the activities; or

—is owned or controlled by, or under common ownership or control with, a person that engaged in the provision of goods, services, technology, or support for which sanctions may be imposed pursuant to this new order, and knowingly participated in the provision of such goods, services, technology, or support.

The following sanctions may be selected for imposition on a person that the Secretary of State determines to meet any of the above criteria:

—the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

—agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

—with respect to a sanctioned person that is a financial institution, the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

—agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

—the Secretary of the Treasury shall prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

—the Secretary of the Treasury shall prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

—the Secretary of the Treasury shall prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

—the Secretary of the Treasury shall block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

—the Secretary of the Treasury shall restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and

to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of section 3 of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *November 20, 2011.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 19, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. UPTON) had signed the following enrolled bills:

H.R. 674. An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on November 19, 2011, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4055. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Regulated Areas in California'' (Docket No. APHIS–2011–0074) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4056. A communication from the Secretary, Division of Swap Dealer and Intermediary Oversight, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF'' (RIN3235–AK92) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4057. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Guy C. Swan III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4058. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–4059. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes'' (RIN0694–AF40) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4060. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Repeal of Regulations'' (RIN2590–AA52) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4061. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Mergers of Federal Home Loan Banks'' (RIN2590–AA37) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4062. A communication from the Secretary of the Interior, transmitting a legislative proposal relative to the issuance of coins to commemorate the 100th anniversary of the establishment of the National Park Service; to the Committee on Banking, Housing, and Urban Affairs.

EC–4063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–1301)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Nuiqsut, AK'' ((RIN2120–AA66)(Docket No. FAA–2011–0759)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Valley City, ND'' ((RIN2120–AA66)(Docket No. FAA–2011–0605)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4066. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Enhancements to Emergency Preparedness Regulations'' (RIN3150–AI10) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Environment and Public Works.

EC–4067. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice: Tier 2 Tax Rates for 2012'' received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of the General Welfare Exclusion to Benefits Provided under Indian Tribal Government Programs'' (Notice 2011–94) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Section 1274A CPI Adjustments'' (Rev. Rul. 2011–27) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2011'' (Rev. Rul. 2011–31) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4071. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Trusts for Distribution of Gaming Revenues to Indian Minors'' (Rev. Proc. 2011–56) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4072. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 108(e)(8) to Indebtedness Satisfied by a Partnership Interest'' ((RIN1545–BF27)(TD 9557)) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Corporate Reorganizations; Allocation of Basis in 'All Cash D' Reorganizations'' ((RIN1545–BJ21)(TD 9558)) received in the Office of the President of the Senate on November 18, 2011; to the Committee on Finance.

EC–4074. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including technical data and defense services to support the sale of fourteen (14) additional AT–802 aircraft for use by the United Arab Emirates Armed Forces in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4075. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other

than treaties (List 2011–0167—2011–0188); to the Committee on Foreign Relations.

EC–4076. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of State's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4077. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Corps' Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4078. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's fiscal year 2011 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4079. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4080. A communication from the Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4081. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustment'' (RIN1651–AA91) received during adjournment of the Senate in the Office of the President of the Senate on November 21, 2011; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. ROBERTS):

S. 1915. A bill to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. VITTER, Mr. WICKER, Mr. THUNE, Mr. BEGICH, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1916. A bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. MENENDEZ, Mr. BROWN of Ohio, Ms. STABENOW, Mr. REID, and Mr. SCHUMER):

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 1018

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1095

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1095, a bill to include geriatrics and gerontology in the definition of ''primary health services'' under the National Health Service Corps program.

S. 1206

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1733

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1742

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1742, a bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1822

At the request of Mr. HELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant

death and to enhance public health activities related to stillbirth.

S. 1866

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1876

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1885

At the request of Mr. HELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1885, a bill to provide for a temporary extension of unemployment insurance, and for other purposes.

S. 1901

At the request of Mr. UDALL of Colorado, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1901, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1911

At the request of Ms. COLLINS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 301

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 301, a resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1107

At the request of Mr. UDALL of Colorado, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1107 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1120 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1121

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1121 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1133

At the request of Mr. BLUNT, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1133 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1137

At the request of Mr. HELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1137 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1138

At the request of Mr. HELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1138 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1139

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 1139 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1140

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1140 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1145

At the request of Mr. TESTER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1145 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1154

At the request of Mr. UDALL of New Mexico, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1154 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1155

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1155 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1164

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1164 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1174

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1174 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1182

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 1182 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1202

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1202 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1204

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1204 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1206

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1206 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1208

At the request of Mr. HARKIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1208 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WEBB), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 1209 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1217

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1217 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1225

At the request of Ms. KLOBUCHAR, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 1225 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1233

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1233 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1239

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1239 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1253

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1253 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1279

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1279 intended to be proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1287

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1287 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1294

At the request of Mr. REED, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1294 proposed to S. 1867, an original bill 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.

AMENDMENT NO. 1330

At the request of Mr. WEBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1330 intended to be proposed to S. 1867, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. VITTER, Mr. WICKER, Mr. THUNE, Mr. BEGICH, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1916. A bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fishery Science Improvement Act of 2011''.

SEC. 2. IMPROVEMENT OF SCIENTIFIC DATA FOR ANNUAL CATCH LIMITS.

(a) SCIENTIFIC DATA REQUIRED FOR ANNUAL CATCH LIMITS.—Section 104(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 16 U.S.C. 1853 note) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following:

''(3) shall not apply to a stock for which a stock assessment has not been performed during the previous 6-year period, if the Secretary has determined pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)) that—

''(A) the fishery is not subject to overfishing of that stock; and

''(B) the stock is not overfished;

''(4) shall not apply to an ecosystem component stock; and''.

(b) ECOSYSTEM COMPONENT STOCKS.—Section 104 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3584) is amended by adding at the end the following:

''(e) ECOSYSTEM COMPONENT STOCK.—

''(1) DEFINITION.—In this section, the term 'ecosystem component stock' means a stock of fish that the Secretary determines—

''(A) is a nontarget stock; and

''(B) is not subject to overfishing or overfished.

''(2) PRIOR DETERMINATIONS.—Ecosystem component species as determined by the Secretary of Commerce prior to the date of the enactment of the Fishery Science Improvement Act of 2011, shall be determined to be ecosystem component stocks as defined by paragraph (1) after such date of enactment.''.

AMENDMENTS SUBMITTED AND PROPOSED

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.

SA 1345. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1346. Mr. VITTER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1347. 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 1348. 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 1349. 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 1350. 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 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, supra; which was ordered to lie on the table.

SA 1352. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1353. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1354. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1355. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1356. Mr. LEVIN (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 1357. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1358. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1359. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1360. Mr. GRASSLEY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1361. 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 1362. 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 1363. 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 1364. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1365. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1366. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1367. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1368. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1371. Mr. COBURN submitted an amendment intended to be proposed by him

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. 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. INOUYE, Mr. JOHANNS, 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. 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. INOUYE, Mr. JOHANNS, 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 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.—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 precondition 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	AEGIS 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	AEGIS 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]
TOTAL:						[−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 THOUGH 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 (nondisability and disability, regular and nonregular 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 report 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 military 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'';

(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 though 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 attache offices around the world;

''(B) military education programs conducted in China for others 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 military 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 division 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. INOUYE, Mr. JOHANNS, 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. INOUYE, Mr. JOHANNS, 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 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 Permanent 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 Members 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 continency 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. 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 Armed Services 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 determinations 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 Untied 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 appropriated 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 AWARDING 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 TRANSPORTATION 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 12788 (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 pretax 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 properly 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

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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 women'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 subsection, 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 by 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 defense 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.