

amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

SA 1224. Mrs. MURRAY 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.

SA 1225. Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1226. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1062. Mr. PAUL 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:

Strike section 1031.

SA 1063. Mr. PAUL 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. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.**

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by striking “September 30, 2017” and inserting “September 30, 2014”.

SA 1064. Mr. PAUL (for himself, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LEAHY, and 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; as follows:

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

**SEC. 1230. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2012, whichever occurs later.

SA 1065. Ms. AYOTTE (for herself, Mr. MCCAIN, and Mr. REED) 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; as follows:

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

**SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.**

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “October 1, 2009” and inserting “October 1, 2011”; and

(2) by striking “316 aircraft” and inserting “301 aircraft”.

SA 1066. Ms. AYOTTE 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 A of title X, add the following:

**SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.**

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting “; and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014” after “validated as ready for audit by not later than September 30, 2017”.

SA 1067. Ms. AYOTTE 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 D of title X, add the following:

**SEC. 1038. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND AFFILIATED ENTITIES.**

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in subsection (c), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (d), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1)

shall be in classified form and shall include, at a minimum, the suspect's name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 60 days after the United States Government takes custody of a covered person, the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of the intended disposition of the covered person under section 1031(c).

(2) REPORTING REQUIREMENT.—The notification required under paragraph (1) shall be in classified form and shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) COVERED PERSONS.—For the purposes of this section, a covered person is an individual suspected of being—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (c) who are taken into the custody or brought under the control of the United States on or after that date.

SA 1068. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. GRAHAM) 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 D of title X, add the following:

**SEC. 1038. AUTHORITY FOR LAWFUL INTERROGATION METHODS IN ADDITION TO THE INTERROGATION METHODS AUTHORIZED BY THE ARMY FIELD MANUAL.**

(a) AUTHORITY.—Notwithstanding section 1402 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), the personnel of the United States Government specified in subsection (c) are hereby authorized to engage in interrogation for the purpose of collecting foreign intelligence information using methods set forth in the classified annex required by subsection (b) provided that such interrogation methods comply with all applicable laws, including the laws specified in subsection (d).

(b) CLASSIFIED ANNEX.—Not later than 90 days after the date of the enactment of this Act, and on such basis thereafter as may be necessary for the effective collection of foreign intelligence information, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Attorney General, ensure the adoption of a classified annex to Army Field Manual 2-22.3 that sets forth interrogation techniques and approaches, in addition to those specified in Army Field Manual 2-22.3, that may be used for the effective collection of foreign intelligence information.

(c) COVERED PERSONNEL.—The personnel of the United States Government specified in this subsection are the officers and employees of the elements of the intelligence community that are assigned to or support the entity responsible for the interrogation of high value detainees (currently known as the “High Value Detainee Interrogation Group”), or a successor entity.

(d) SPECIFIED LAWS.—The law specified in this subsection is as follows:

(1) The United Nations Convention Against Torture, signed at New York, February 4, 1985.

(2) Chapter 47A of title 10, United States Code, relating to military commissions (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) The Detainee Treatment Act of 2005 (title XIV of Public Law 109-163).

(4) Section 2441 of title 18, United States Code.

(e) SUPERSEDITION OF EXECUTIVE ORDER.—The provisions of Executive Order No. 13491, dated January 22, 2009, shall have no further force or effect, to the extent such provisions are inconsistent with the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “element of the intelligence community” means an element of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term “foreign intelligence information” has the meaning given that term in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)).

**SA 1069.** Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2 \_\_\_\_ . None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project (as defined in section 102 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401)) that is authorized after the date of enactment of this Act unless the Secretary of the Interior, not later than 60 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by

the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

**SA 1070.** Mr. CASEY 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 follow:

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

**SEC. 1080. REPORT ON MANPADS IN LIBYA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to Congress a report in classified and unclassified form on the disposition of and accounting for the Man Portable Air Defense Systems (MANPADS) that were under the control of the Government of Libya during the regime of Colonel Muammar Gaddafi.

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

(1) Intelligence estimates as to the number of MANPADS under the control of the Government of Libya prior to February 16, 2011.

(2) A summary of United States and NATO efforts to account for all of the MANPADS, and ancillary equipment necessary to operate the MANPADS, following the beginning of NATO's intervention in Libya.

(3) The comprehensive strategy to prevent terrorist organizations from gaining control of the MANPADS.

(4) An assessment of the probability of and threat posed by an air defense weapons system like MANPADS being obtained and used by a terrorist organization.

**SA 1071.** 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 follow:

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

**SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

**SA 1072.** Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, of Massachusetts, Mr. BROWN, of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON, of Wisconsin, Mr. JOHNSON, of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) 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; as follow:

At the end of division A, add the following:

**TITLE XVI—NATIONAL GUARD EMPOWERMENT**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2011”.

**SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.**

(a) REESTABLISHMENT AND TERMINATION OF POSITIONS.—Section 10505 of title 10, United States Code, is amended to read as follows:

**“§ 10505. Vice Chief of the National Guard Bureau**

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

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

“(C) 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.**

(a) MEMBERSHIP ON 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.”.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

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

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”.

**SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.**

(a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) EXPANSION OF PROGRAM SCOPE.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) ADDITIONAL FEMA ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) NATIONAL GUARD BUREAU ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist

the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) ANNUAL REPORTS.—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

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

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

**SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submission of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

**SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.**

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated

expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

**SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**

(a) **COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.**—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) **DISCHARGE OF RESPONSIBILITY.**—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) **MEMORANDUM OF UNDERSTANDING.**—

(1) **MEMORANDUM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) **MODIFICATION.**—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) **AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.**—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

**SEC. 1608. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.**

(a) **COMMANDER OF ARMY NORTH COMMAND.**—The officer serving in the position of

Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

**SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.**

The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

- (1) Disaster response and mitigation.
- (2) Defense support to civilian authorities.
- (3) Consequence management and installation protection.
- (4) Chemical, biological, radiological, or nuclear event (CBRNE) response.
- (5) Border and port security and cooperation with civilian law enforcement.
- (6) Search and rescue.
- (7) Medical matters.
- (8) Counterdrug and counternarcotics activities.
- (9) Public affairs.
- (10) Employer and family support of reserve forces.
- (11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

**SA 1073.** Mr. CARDIN (for himself and Ms. MIKULSKI) 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. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.**

Notwithstanding any other provision of law, no funds may be used to expand or operate the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

**SA 1074.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and

water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “FOSSIL ENERGY RESEARCH AND DEVELOPMENT” of title III, before the period at the end, insert the following: “: *Provided further*, That the Secretary of Energy shall allocate an additional \$30,000,000 for the fossil energy research and development program of the Department of Energy, of which \$10,000,000 shall be for the unconventional fossil energy account, \$10,000,000 shall be for the advanced energy systems account, and \$10,000,000 shall be for the natural gas technology account, to be derived by the transfer of \$30,000,000 from the amount made available under the heading “ADVANCED RESEARCH PROJECTS AGENCY—ENERGY””.

**SA 1075.** Mr. LEAHY 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 361, line 9, insert after “a person who is described in paragraph (2) who is captured” the following: “abroad”.

**SA 1076.** Mr. LEAHY 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:

Strike section 1035.

**SA 1077.** Mr. LEAHY 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, insert after “to detain covered persons (as defined in subsection (b))” the following: “who are captured in the course of hostilities”.

**SA 1078.** Mr. LEAHY 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:

Strike section 1031.

**SA 1079.** Mr. LEAHY 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:

Strike section 1032.

**SA 1080.** Mr. LEAHY 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 361, line 9, insert after “a person who is described in paragraph (2) who is captured” the following: “abroad or on a United States military facility”.

**SA 1081.** Mr. LEAHY 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:

Strike subtitle D of title X.

**SA 1082.** Mr. LEAHY 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:

Strike section 1033.

**SA 1083.** Mr. LEAHY 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:

Strike section 1034.

**SA 1084.** Mr. MCCONNELL (for Mr. KIRK (for himself, Mr. JOHANNIS, Mr. MANCHIN, Mr. HELLER, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. COATS, and Mr. TESTER)) 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; which was ordered to lie on the table; as follows:

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

**SEC. 1243. IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.**

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.—

“(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall—

“(A) 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 any financial transaction with the Central Bank of Iran; and

“(B) freeze and prohibit all transactions in all property and interests in property of each such foreign 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.

“(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(B) PETROLEUM TRANSACTIONS.—Paragraph (1) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

“(4) WAIVER.—

“(A) IN GENERAL.—The President may waive the application of paragraph (1) with respect to a foreign financial institution for a period of not more than 60 days, and may renew that waiver for additional periods of not more than 60 days, if the President determines and reports to the appropriate congressional committees every 60 days that the waiver is necessary to the national security interest of the United States.

“(B) FORM.—A report submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

“(5) FOREIGN FINANCIAL INSTITUTION.—For purposes of this subsection, the term ‘foreign financial institution’ includes a financial institution owned or controlled by a foreign government.”.

**SA 1085.** Mr. LEAHY 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, insert the following:

**DIVISION —IDENTITY THEFT AND DATA PRIVACY**

**SEC. 01. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,” before “section 1084”.

**SEC. 02. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under paragraph (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (D), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from

conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

“(D) a fine under this title, imprisonment for not more than 1 year, or both, for any other offense under subsection (a)(5);

“(6) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(7) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

#### SEC. 03. TRAFFICKING IN PASSWORDS.

Section 1030(a) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in—

“(A) any password or similar information through which a protected computer as defined in subparagraphs (A) and (B) of subsection (e)(2) may be accessed without authorization; or

“(B) any means of access through which a protected computer as defined in subsection (e)(2)(A) may be accessed without authorization.”

#### SEC. 04. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “for the completed offense” after “punished as provided”.

#### SEC. 05. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) of title 18,

United States Code, shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

#### SEC. 06. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“SEC. 1030A. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘computer’ and ‘damage’ have the meanings given such terms in section 1030; and

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) gas and oil production, storage, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public.

“(b) OFFENSE.—It shall be unlawful to, during and in relation to a felony violation of section 1030, intentionally cause or attempt to cause damage to a critical infrastructure computer, and such damage results in (or, in the case of an attempt, would, if completed have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years nor more than 20 years, or both.

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by

inserting after the item relating to section 1030 the following:

“Sec. 1030A. Aggravated damage to a critical infrastructure computer.”

#### SEC. 07. LIMITATION ON CERTAIN ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(a)(2) of title 18, United States Code, is amended by striking subsection (a)(2) and inserting the following:

“(2) intentionally accesses a computer —

“(A) without authorization, and thereby obtains—

“(i) information contained in a financial record of a financial institution, or of a card issuer as defined in section 1602(n) of title 15, or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

“(ii) information from any department or agency of the United States; or

“(iii) information from any protected computer; or

“(B) in excess of authorization, thereby obtains—

“(i) information defined in subparagraph (A) (i) through (iii); and

“(ii) the offense involves—

“(I) information that exceeds \$5,000 in value;

“(II) sensitive or private information involving an identifiable individual or entity (including such information in the possession of a third party), including medical records, wills, diaries, private correspondence, government-issued identification numbers, unique biometric data, financial records, photographs of a sensitive or private nature, trade secrets, commercial business information, or other similar information;

“(III) information that has been properly classified by the United States Government pursuant to an Executive Order or statute, or determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national security, national defense, or foreign relations, or any restricted data, as defined in paragraph y of section 11 of the Atomic Energy Act of 1954; or

“(IV) information obtained from a computer used by, or on behalf of, a government entity.”

#### SEC. 08. REPORTING OF CERTAIN CRIMINAL CASES.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

“(k) REPORTING CERTAIN CRIMINAL CASES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the number of criminal cases brought under subsection (a)(2)(B), as amended by this Act.”

**SA 1086.** Mr. ROBERTS (for himself and Mr. MORAN) 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 I of title V, add the following:

**SEC. \_\_\_\_ . AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

**SA 1087.** Mr. LEAHY 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:

Strike section 1044 and insert the following:

**SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.**

(a) **CRITICAL INFRASTRUCTURE SECURITY INFORMATION.**—

(1) **IN GENERAL.**—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the disclosure of such information would reveal vulnerabilities in such infrastructure that, if exploited, could result in the disruption, degradation, or destruction of Department of Defense operations, property, or facilities; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) **INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.**—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) **MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.**—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data

file that is not exempt in its entirety from such disclosure.

(c) **DELEGATION.**—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) **TRANSPARENCY.**—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) **DEFINITIONS.**—In this section:

(1) The term “Department of Defense critical infrastructure security information” means sensitive but unclassified information that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term “data file” means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

**SA 1088.** 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 C of title III, add the following:

**SEC. 325. PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.**

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **IMPLEMENTATION OF POLICY ON PUBLIC-PRIVATE COMPETITIONS.**—The Secretary of Defense shall prescribe regulations to ensure that the findings in the report required under subsection (b) and any conclusions or recommendations of the Comptroller General included in the report required under subsection (c) are implemented not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.”; and

(2) by striking subsection (d).

**SA 1089.** 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 POST-SECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAMS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations requiring post-secondary education institutions that participate in Department of Defense tuition assistance programs, as a condition of such participation, to disclose with respect to each student receiving such tuition assistance the following information:

(1) Whether the successful completion of the advertised education or training program by a student meets prerequisites for the purpose of applying for and completing an examination or license required as a precondition for employment in the occupation for which the program is represented to prepare the student.

(2) The completion date of degree, certification, or license sought by the student participating in the tuition assistance program.

(b) **APPLICABILITY.**—For purposes of this section, the term “Department of Defense tuition assistance program” applies to financial tuition assistance provided by the Department of Defense to active duty servicemembers and eligible spouses.

**SA 1090.** 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 title VI, add the following:

**Subtitle D—Pay and Allowances**

**SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.**

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.”.

**SA 1091.** Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, after line 9, insert the following:

SEC. \_\_\_\_ (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identify the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Federal Election Commission. The Comptroller General shall collect this data to the extent available and shall identify any limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

**SA 1092.** Mr. LEVIN (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. CHAMBLISS, Mr. BLUMENTHAL, Mr. INHOFE, Mrs. GILLIBRAND, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. UDALL of Colorado, Mr. WEBB, Mr. MANCHIN, and Mr. WHITEHOUSE) 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 VIII, add the following:

**SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) INSPECTION OF IMPORTED ELECTRONIC PARTS.—

(1) INSPECTION PROGRAM.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security

shall establish a program of enhanced inspection by U.S. Customs and Border Patrol of electronic parts imported from any country that has been determined by the Secretary of Defense to have been a significant source of counterfeit electronic parts or suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense over the previous five years.

(2) INFORMATION SHARING.—In carrying out the program required under paragraph (1) and in accordance with regulations issued by the Secretary of Homeland Security, the Secretary is authorized to provide the owner of a copyright or registered mark (as defined in section 1127 of title 15, United States Code) any information appearing on the imported merchandise or its retail packaging, and a sample of such merchandise and its retail packaging in their condition as presented for customs examination, as well as any packing material that bears an accused mark or work, when necessary in the view of the Secretary to assist the Secretary with determining whether the copyright has been pirated or the registered mark has been counterfeited.

(c) CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) ELEMENTS.—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms “covered contractor” and “covered contract” have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary



of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) **TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.**—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **MILITARY GOODS OR SERVICES.**—

“(A) **IN GENERAL.**—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

“(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

“(I) serious bodily injury or death;

“(II) disclosure of classified information;

“(III) impairment of combat operations; or

“(IV) other significant harm to a member of the Armed Forces or to national security; and

“(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

“(B) **PENALTIES.**—

“(i) **INDIVIDUAL.**—An individual who commits an offense described in subparagraph (A) shall be fined not more than \$5,000,000, imprisoned for not more than 20 years, or both.

“(ii) **PERSON OTHER THAN AN INDIVIDUAL.**—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than \$15,000,000.

“(C) **SUBSEQUENT OFFENSES.**—

“(i) **INDIVIDUAL.**—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both.

“(ii) **PERSON OTHER THAN AN INDIVIDUAL.**—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than \$30,000,000.”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(5) the term ‘falsely identified as meeting military standards’ relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

“(6) the term ‘use in a military or national security application’ means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

“(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

“(B) by the United States to perform or directly support—

“(i) combat operations; or

“(ii) critical national defense or national security functions.”.

(f) **SENTENCING GUIDELINES.**—

(1) **DEFINITION.**—In this subsection, the term “critical infrastructure” has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) **DIRECTIVE.**—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) **REQUIREMENTS.**—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) **EMERGENCY AUTHORITY.**—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) **DEFINITIONS.**—

(1) **COUNTERFEIT ELECTRONIC PART.**—The Secretary of Defense shall define the term “counterfeit electronic part” for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) **SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.**—For the purposes of this section:

(A) A part is a “suspect counterfeit electronic part” if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An “electronic part” means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

**SA 1093.** 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; as follows:

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

**SEC. 1038. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.**

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

(1) The United States is still in a global war on terror and engaged in armed conflict with terrorist organizations, and will continue to capture terrorists who will need to be detained in a secure facility.

(2) Since 2002, enemy combatants have been captured by the United States and its allies and detained in facilities at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(3) The United States has detained almost 800 al-Qaeda and Taliban combatants at the Guantanamo Bay Detention Facility.

(4) More than 600 detainees have been tried, transferred, or released from the Guantanamo Bay Detention Facility to other countries.

(5) The last enemy combatant brought to the Guantanamo Bay Detention Facility for detention was brought in June 2008.

(6) The military detention facilities at the Guantanamo Bay Detention Facility meet the highest international standards, and play a fundamental part in protecting the lives of Americans from terrorism.

(7) The Guantanamo Bay Detention Facility is a state-of-the-art facility that provides humane treatment for all detainees, is fully compliant with the Geneva Convention, and provides treatment and oversight that exceed any maximum-security prison in the world, as attested to by human rights organizations, the International Committee of the Red Cross, Attorney General Holder, and an independent commission led Admiral Walsh.

(8) The Guantanamo Bay Detention Facility is a secure location away from population centers, provides maximum security required to prevent escape, provides multiple levels of confinement opportunities based on the compliance of detainees, and provides medical care not available a majority of the population of the world.

(9) The Expeditionary Legal Complex (ELC) at the Guantanamo Bay Detention Facility is the only one of its kind in the world. It provides a secure location to secure and try detainees charged by the United States Government, full access to sensitive and classified information, full access to defense lawyers and prosecution, and full media access by the press.

(10) The Guantanamo Bay Detention Facility is the single greatest repository of human intelligence in the war on terror.

(11) The intelligence derived from the Guantanamo Bay Detention Facility has prevented terrorist attacks and saved lives in the past and continues to do so today.

(12) The intelligence obtained from questioning detainees at the Guantanamo Bay Detention Facility includes information on the following:

(A) The organizational structure of al-Qaeda, the Taliban, and other terrorist groups.

(B) The extent of the presence of terrorists in Europe, the United States, and the Middle East, and elsewhere around the globe.

(C) The pursuit of weapons of mass destruction by al-Qaeda.

(D) The methods of recruitment by al-Qaeda and the locations of its recruitment centers.

(E) The skills of terrorists, including general and specialized operative training.

(F) The means by which legitimate financial activities are used to hide terrorist operations.

(13) Key intelligence used to find Osama bin Laden was obtained at least in part through the use of enhanced interrogation of detainees at the Guantanamo Bay Detention Facility, with Leon Panetta, Director of the Central Intelligence Agency, acknowledging that “[c]learly some of it came from detainees and the interrogation of detainees. . .” and confirming that “they used these enhanced interrogation techniques against some of those detainees”.

(b) REQUIREMENT.—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(c) HIGH-VALUE ENEMY COMBATANT DEFINED.—In this section, the term “high-value enemy combatant” means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

**SA 1094.** 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; as follows:

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

**SEC. 889. INCLUSION OF DEPARTMENT OF COMMERCE IN CONTRACT AUTHORITY USING COMPETITIVE PROCEDURES BUT EXCLUDING PARTICULAR SOURCES FOR ESTABLISHING CERTAIN RESEARCH AND DEVELOPMENT CAPABILITIES.**

Section 2304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

“(3) The Secretary of Commerce shall be treated as the head of an agency for purposes of procurements under paragraph (1) that are covered by a determination under subparagraph (C) of that paragraph.”.

**SA 1095.** 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; as follows:

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

**SEC. 1088. MENTAL HEALTH COUNSELING TRAINING FOR MILITARY CHAPLAINS.**

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

(1) A decade of deployments for the United States Armed Forces has led to significant increases in traumatic stress for members of the Armed Forces and their families.

(2) Increases in the severity and frequency of stress for members of the Armed Forces and their families has driven up demand for mental health counseling services by specially trained counselors and military chaplains.

(3) The emotional needs, mental strain, and interpersonal issues that arise among soldiers and their families before, during, and after deployment are highly unique. It is critical that military counselors and chaplains have a specialized understanding of the total deployment experience.

(4) The military chaplain’s corps for all military services has experienced significant

shortfalls in personnel. The Army and Army National Guard have been especially affected by the inability to field needed personnel.

(5) A muted ability to field qualified military health counselors and chaplains has an adverse affect on the mental and emotional health of members of the Armed Forces and their families.

(6) The United States Army Chaplain Center and School, United States Navy Chaplaincy School and Center, and other military chaplaincy schools rely on accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates.

(7) It is important that accredited universities, seminaries, and religious schools producing chaplain candidates or providing post-graduate education and supplemental training adequately prepare students with the training required to address the needs of members of the Armed Forces and their families.

(8) There is both opportunity and need for the Chaplain Corps of the United States Armed Forces to work with accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates and provide post-graduate education and supplemental training, and to do so in a way that is cost effective.

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

(1) the Secretary of Defense, in conjunction with the Chief of Chaplains for each military service, should produce a plan to ensure sustainable throughput of qualified chaplains in the military chaplain centers and schools; and

(2) the plan should include integration of accredited universities, seminaries, and religious schools to include programmatic augmentation when efficient and fiscally advantageous.

**SA 1096.** 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; as follows:

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

**SEC. 723. SENSE OF SENATE ON TREATMENT OPTIONS FOR MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST TRAUMATIC STRESS DISORDER.**

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

(1) Approximately 1,400,000 Americans experience Traumatic Brain Injury (TBI) each year, and an estimated 3,200,000 Americans are living with long-term, severe disabilities as a result of brain injury. Another approximate 360,000 men and women are estimated to have been experienced a Traumatic Brain Injury in the conflicts in Iraq and Afghanistan to date.

(2) Congressional funding for Traumatic Brain Injury activities began with Public Law 104-166 (commonly referred to as the “Traumatic Brain Injury Act of 1996”) and has subsequently been addressed in title XIII of Public Law 106-310 (commonly referred to as the “Traumatic Brain Injury Act Amendments of 2000”), which mandated reports and requirements for mild Traumatic Brain Injury, and in Acts authorizing and appropriating funds for the Department of Defense to date.

(3) In 1992 during the Persian Gulf War, Congress created the Defense and Veterans Head Injury Program (DVHIP) to integrate specialized Traumatic Brain Injury care, research, and education across the military and veteran medical care systems.

(4) With Congressional oversight and appropriations, the Department of Defense subsequently transitioned the Defense and Veterans Head Injury Program to the Defense and Veterans Brain Injury Center (DVBIC) in order to improve the military and veterans medical communities ability to develop and provide advanced Traumatic Brain Injury-specific evaluation, treatment, and follow-up care for military personnel, their beneficiaries, and veterans with mild to severe Traumatic Brain Injury.

(5) Though Congress, the Department of Defense, and the Department of Veterans Affairs have increased the capacity to provide health services, particularly in the areas of mental health and Traumatic Brain Injury, gaps in access and quality remain, to include a selected method for diagnosing a Traumatic Brain Injury, a consistent process for treatment for a Traumatic Brain Injury, availability of providers, shortages of personnel, organizational deficiencies, cultural understanding and acceptance, and available technology in diagnosis and treatment.

(6) Gaps in quality of care and limited access to proper care remain for both members of the Armed Forces and veterans, especially veterans who are demobilized members of the National Guard and Reserve. Some estimates indicate that approximately 57 percent of those returning from Iraq and Afghanistan are not being evaluated by a physician for a brain injury.

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

(1) the Department of Defense and Department of Veterans Affairs should be commended for increasing the treatment options for Traumatic Brain Injury that are available to veterans;

(2) the Secretary of Defense should, in consultation with the Secretary of Veterans Affairs, continue to test, prove, and make available viable treatment options for Traumatic Brain Injury, including alternative treatment methods that have been determined, through testing, to be an effective form of treatment; and

(3) the Secretary of Defense and the Secretary of Veterans Affairs should take actions to ensure that existing veteran and medical benefits cover the use of viable available treatment options for Traumatic Brain Injury, including alternative treatment methods.

**SA 1097.** 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; as follows:

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

**SEC. 723. PLAN FOR STREAMLINING PROGRAMS THAT ADDRESS PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.**

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

(1) There are over 200 programs within the Department of Defense that address psychological health and traumatic brain injury (TBI).

(2) The number of programs reflects the seriousness with which the Department and the United States Government and people take the treatment of the invisible wounds of the wars in Iraq and Afghanistan.

(3) Notwithstanding the proliferation of programs, there are still gaps in the treatment of our wounded warriors.

(4) Because of the proliferation of programs, redundancies and inefficiencies exist and waste resources that would otherwise be used to effectively treat members of the Armed Forces suffering from psychological health and traumatic brain injuries.

(5) Section 1618 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 450; 10 U.S.C. 1071 note) required the Secretary of Defense to submit a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

(6) The plan required in that Act was to assess the capabilities of the Department, identify capability gaps, identify resources required, and identify appropriate leadership that would coordinate the various programs.

(7) Section 1621 of the Wounded Warriors Act (title XVI of Public Law 110-181; 122 Stat. 453; 10 U.S.C. 1071 note) established the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) to implement the Department's comprehensive plan and strategy.

(b) STREAMLINING PLAN.—

(1) PLAN REQUIRED.—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 plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A complete catalog of programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury, including details of the intended function of each program.

(B) An analysis of gaps in the delivery of services and treatments identified by the complete catalog required under subparagraph (A).

(C) An analysis of redundancies identified in the complete catalog required under subparagraph (A).

(D) A plan for eliminating redundancies and mitigating the gaps identified in the plan.

(E) Identification of the official within the Department that will be responsible for enactment of the plan.

(F) A timeline for enactment of the plan.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the plan required under subsection (b).

**SA 1098.** 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; as follows:

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

**SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.**

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

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

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act;

(2) the apparent objection of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term “foreign boycott” means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 1099.** 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; as follows:

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

**SEC. 714. SENSE OF CONGRESS ON ADOPTION BY DEPARTMENT OF DEFENSE OF RECOMMENDATIONS BY GAO REGARDING HEARING LOSS PREVENTION.**

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

(1) The advent of the jet engine and more powerful munitions has increased the instance of auditory injury to members of the Armed Forces.

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs

have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled "Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes".

(3) Costs to the Department of Veterans Affairs relating to compensation for hearing-related disabilities are expected to double between 2009 and 2014, exceeding \$2,000,000,000 by 2014.

(4) There is a growing body of peer reviewed literature indicating a direct connection between traumatic brain injury, post traumatic stress disorder, and auditory disorders.

(5) 70 percent of members of the Armed Forces who are exposed to a blast report auditory disorders within 72 hours of the exposure.

(6) Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506) requires the Secretary of Defense to establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury.

(7) There is no cure for tinnitus, which consists of an often debilitating ringing in the ear. The projected effect of tinnitus on veterans, rise in new cases of tinnitus-related service-connected disabilities among veterans, and the correlating rise in disability claims and cost to the Department of Veterans Affairs make finding effective treatment, abatement options, and a cure for tinnitus a priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, in cooperation with the Secretary of Veterans Affairs and the Director of the Hearing Center of Excellence of the Department of Defense, implement the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled "Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes" that address prevention, abatement, data collection, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

**SA 1100.** 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; as follows:

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

**SEC. 808. TEMPORARY AUTHORITY TO ACQUIRE CERTAIN PRODUCTS AND SERVICES PRODUCED IN LATVIA.**

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2400) is amended by striking "or Turkmenistan" and inserting "Turkmenistan, or Latvia".

**SA 1101.** 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; as follows:

Strike section 156.

**SA 1102.** 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; as follows:

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

**SEC. 1080. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

**SA 1103.** Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. ROCKEFELLER) 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. EXPANSION OF OPERATION HERO MILES.**

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

"(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

"(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

"(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests."

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking "the air or surface carrier" and inserting "the business entity referred to in subsection (b)";

(2) by striking "the surface carrier" and inserting "the business entity"; and

(3) by striking "the carrier" and inserting "the business entity".

(c) USE.—Subsection (d) of such section is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) providing humanitarian support to members and eligible beneficiaries receiving care through the military health care system; and

"(4) providing support to allow participation of members and their families in Department of Defense sponsored and authorized programs."

(d) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking "the air carrier or surface carrier" and inserting "the business entity referred to in subsection (b)".

(e) STYLISTIC AMENDMENTS.—

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

**"§2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs"**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

"2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs."

**SA 1104.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, after line 9, insert the following:

SEC. \_\_\_\_ (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identify the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Election Assistance Commission. The Comptroller General shall collect this data to the extent available and shall identify any

limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

**SA 1105.** Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) 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; as follows:

On page 365, line 12, strike “for fiscal year 2012”.

**SA 1106.** Mr. MCCAIN (for himself and 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 G of title X, add the following:

**SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.**

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the “Decker-Wagner Report”) that the Army agreed to implement.

**SA 1107.** Mr. UDALL of Colorado 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; as follows:

Strike subtitle D of title X and insert the following:

**Subtitle D—Detainee Matters**

**SEC. 1031. REVIEW OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

(1) A statement of the position of the Executive Branch on the appropriate role for the Armed Forces of the United States in the detention and prosecution of covered persons (as defined in subsection (b)).

(2) A statement and assessment of the legal authority asserted by the Executive Branch for such detention and prosecution.

(3) A statement of any existing deficiencies or anticipated deficiencies in the legal authority for such detention and prosecution.

(b) COVERED PERSONS.—A covered person under this section is any person, other than a member of the Armed Forces of the United States, whose detention or prosecution by the Armed Forces of the United States is consistent with the laws of war and based on authority provided by any of the following:

(1) The Authorization for Use of Military Force (Public Law 107-40).

(2) The Authorization for Use of Military Force Against Iraq Resolution 2002 (Public Law 107-243).

(3) Any other statutory or constitutional authority for use of military force.

(c) CONGRESSIONAL ACTION.—Each of the appropriate committees of Congress may, not later than 45 days after receipt of the report required by subsection (a), hold a hearing on the report, and shall, within 45 days of such hearings, report to Congress legislation, if such committee determines legislation is appropriate and advisable, modifying or expanding the authority of the Executive Branch to carry out detention and prosecution of covered persons.

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

(1) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

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

**SA 1108.** Mr. UDALL of Colorado 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:

Strike section 1033 and insert the following:

**SEC. 1033. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any

other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to fulfill the security-related commitments attendant to the transfer;

(4) has taken or agreed to take actions that are likely to be effective in mitigating the risk that the individual will take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken or agreed to take such actions that will mitigate the risk that the individual to be transferred will engage or re-engage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) a transfer that is in the national security interests of the United States, including any case in which either improvements in governance or the security environment of the country to which the detainee would be transferred have effectively mitigated the risk of recidivism;

(B) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary

shall notify Congress of promptly after issuance); or

(C) pre-trial agreement entered in a military commission case.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive one or more certification requirements specified in subsection (b) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived; and

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

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the congressional defense committees, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including an explanation why the transfer is in the national security interests of the United States.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) DEFINITIONS.—In this section:

(1) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4351) is repealed.

**SA 1109.** Mr. UDALL of Colorado 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 361, line 9, insert after “a person who is described in paragraph (2) who is captured” the following: “abroad”.

**SA 1110.** Mr. UDALL of Colorado 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, insert after “covered persons (as defined in subsection (b))” the following: “captured abroad”.

**SA 1111.** Mr. UDALL of Colorado 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 X, add the following:

**SEC. 1038. SUNSET.**

This subtitle and the amendments made by this subtitle shall expire on September 30, 2012.

**SA 1112.** Mr. UDALL of Colorado 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 1031, add the following:

(f) EXTENSION TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.—The authority of the Armed Forces of the United States to detain covered persons under this section extends to citizens of the United States and lawful resident aliens of the United States, except to the extent prohibited by the Constitution of the United States.

**SA 1113.** Mr. UDALL of Colorado 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:

Strike subtitle D of title X.

**SA 1114.** Mr. BEGICH (for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, Ms. MURKOWSKI, Mr. AKAKA, Mr. PRYOR, Mr. BROWN of Massachusetts, Mr. MANCHIN, and Mr. TESTER) 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; as follows:

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

**SEC. 346. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.**

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

“§2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

“(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

“(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

“(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

“(A) is entitled to retired pay;

“(B) is described in subsection (b);

“(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

“(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

“(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unremarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

“(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

“(f) PRIORITY.—The priority level and category for space-available travel for the eligible members described in subsection (a), (b), (c), and (d) shall be determined by the Secretary of Defense.

“(g) DEFINITION OF DEPENDENT.—In this section, the term ‘dependent’ has the meaning given that term in section 1072 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents.”.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

**SA 1115** Ms. LANDRIEU (for herself, Ms. SNOWE, Mrs. SHAHEEN, Mr. BROWN

of Massachusetts, and Mr. KERRY) 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; as follows:

At the end, add the following:

**DIVISION E—SBIR AND STTR  
REAUTHORIZATION**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “SBIR/STTR Reauthorization Act of 2011”.

**SEC. 5002. DEFINITIONS.**

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

**SEC. 5003. REPEAL.**

Subtitle E of title VIII of this Act is amended by striking section 885.

**TITLE LI—REAUTHORIZATION OF THE  
SBIR AND STTR PROGRAMS**

**SEC. 5101. EXTENSION OF TERMINATION DATES.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “TERMINATION.—” and all that follows through “the authorization” and inserting “TERMINATION.—The authorization”;

(2) by striking “2008” and inserting “2019”; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking “IN GENERAL.—” and all that follows through “with respect” and inserting “IN GENERAL.—With respect”;

(2) by striking “2009” and inserting “2019”; and

(3) by striking clause (ii).

**SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.**

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

**SEC. 5103. SBIR ALLOCATION INCREASE.**

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) by striking “Each” and inserting “Except as provided in paragraph (2)(B), each”;

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

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in fiscal year 2013;

“(D) not less than 2.6 percent of such budget in fiscal year 2014;

“(E) not less than 2.7 percent of such budget in fiscal year 2015;

“(F) not less than 2.8 percent of such budget in fiscal year 2016;

“(G) not less than 2.9 percent of such budget in fiscal year 2017;

“(H) not less than 3.0 percent of such budget in fiscal year 2018;

“(I) not less than 3.1 percent of such budget in fiscal year 2019;

“(J) not less than 3.2 percent of such budget in fiscal year 2020;

“(K) not less than 3.3 percent of such budget in fiscal year 2021;

“(L) not less than 3.4 percent of such budget in fiscal year 2022; and

“(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”; and

(3) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).”.

**SEC. 5104. STTR ALLOCATION INCREASE.**

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

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

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2012.”;

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2013 and 2014;

“(iv) 0.5 percent for fiscal years 2015 and 2016; and

“(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.”; and

(4) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and

development of the Federal agency that exceeds the amount required under paragraph (1).”.

**SEC. 5105. SBIR AND STTR AWARD LEVELS.**

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking “once every 5 years to reflect economic adjustments and programmatic considerations” and inserting “every year for inflation”; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting “(each of which the Administrator shall adjust for inflation annually)” after “\$1,000,000.”.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON SIZE OF AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

**SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASE II AWARDS.—

“(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either

the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

“(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.”

**SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.**

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

**SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

“(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

“(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

“(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

“(A) induce additional venture capital funding of small business innovations;

“(B) substantially contribute to the mission of the Federal agency;

“(C) demonstrate a need for public research; and

“(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

“(4) COMPLIANCE.—

“(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

“(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

“(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

“(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘covered small business concern’ means a small business concern that—

“(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

“(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

“(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

“(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

“(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

“(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term ‘venture capital operating company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.



(B) **SIZE STANDARDS.**—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) **CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.**—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) **CRITERIA FOR DETERMINING AFFILIATION.**—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) **ENFORCEMENT.**—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742)) during the period

beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) **DEFINITION.**—In this subsection, the term “venture capital operating company” has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) **ASSISTANCE FOR DETERMINING AFFILIATES.**—

(1) **CLEAR EXPLANATION REQUIRED.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) **INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.**—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

**SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.**

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) **PHASE III AWARDS.**—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

**SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) **COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**—

“(1) **AUTHORIZATION.**—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) **PROHIBITION.**—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR

Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

**SEC. 5111. NOTICE REQUIREMENT.**

(a) **SBIR PROGRAM.**—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and”.

(b) **STTR PROGRAM.**—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

“(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.”.

**SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) **ADDITIONAL PHASE II SBIR AND STTR AWARDS.**—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.”.

**TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES**

**SEC. 5201. RURAL AND STATE OUTREACH.**

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) **FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **APPLICANT.**—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

“(B) **FAST PROGRAM.**—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this subsection.

“(C) **RECIPIENT.**—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this subsection.

“(D) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(E) DEFINITIONS RELATING TO MENTORING NETWORKS.—The terms ‘business advice and counseling’, ‘mentor’, and ‘mentoring network’ have the meanings given those terms in section 34(e).

“(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(3) GRANTS AND COOPERATIVE AGREEMENTS.—

“(A) JOINT REVIEW.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

“(i) technology research and development by small business concerns;

“(ii) technology transfer from university research to technology-based small business concerns;

“(iii) technology deployment and diffusion benefitting small business concerns;

“(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(I) State and local development agencies and entities;

“(II) representatives of technology-based small business concerns;

“(III) industries and emerging companies;

“(IV) universities; and

“(V) small business development centers; and

“(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

“(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

“(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

“(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

“(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

“(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

“(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

“(ii) shall consider, at a minimum—

“(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

“(III) whether the projected costs of the proposed activities are reasonable;

“(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

“(V) the manner in which the applicant will measure the results of the activities to be conducted; and

“(VI) whether the proposal addresses the needs of small business concerns—

“(aa) owned and controlled by women;

“(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

“(cc) that are HUBZone small business concerns;

“(dd) located in areas that have historically not participated in the SBIR and STTR programs;

“(ee) owned and controlled by service-disabled veterans;

“(ff) owned and controlled by Native Americans; and

“(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

“(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

“(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

“(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

“(A) Federal agencies required by this section to have an SBIR program; and

“(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(i) State and local development agencies and entities;

“(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(iii) State science and technology councils; and

“(iv) representatives of technology-based small business concerns.

“(5) ADMINISTRATIVE REQUIREMENTS.—

“(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

“(B) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

“(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

“(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

“(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

“(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

“(iii) RURAL AREAS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

“(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

“(III) DEFINITION OF RURAL AREA.—In this clause, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

“(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

“(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

“(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered

into under the FAST program during the preceding year;

“(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

“(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(7) PROGRAM LEVELS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, \$15,000,000 for each of fiscal years 2011 through 2016.

“(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 34(d).

“(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 35(d)” and inserting “section 34(d)”;

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking “section 34(c)(1)(E)(ii)” and inserting “section 9(s)(3)(A)(v)(II)”;

(B) by striking “section 34” each place it appears and inserting “section 9(s)”; and

(C) by adding at the end the following:

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(2) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under section 9(s).

“(3) MENTOR.—The term ‘mentor’ means an individual described in subsection (c)(2).

“(4) MENTORING NETWORK.—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

“(5) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(6) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(8) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e)(6).”;

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

**SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.**

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR program” after “SBIR program”; and

(B) by striking “SBIR projects” and inserting “SBIR or STTR projects”;

(2) in paragraph (2), by striking “3 years” and inserting “5 years”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “or STTR” after “SBIR”;

(ii) by striking “\$4,000” and inserting “\$5,000”;

(B) by striking subparagraph (B) and inserting the following:

“(B) PHASE II.—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient’s award.”;

(C) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

**SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT” and inserting “READINESS”;

(2) by striking “Pilot” each place that term appears and inserting “Readiness”;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(B) by adding at the end the following:

“The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting “(including awards under subsection (y))” after “the number of awards”.

**SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

“(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

“(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

“(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(7) DEFINITIONS.—In this subsection—  
“(A) the term ‘covered Federal agency’—  
“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

#### SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

#### “SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address

the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

“(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).”.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

#### SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

“(1) DEFINITION.—In this subsection, the term ‘covered awardee’ means a small business concern that—

“(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

“(B) has not received a Phase II award—

“(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

“(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program

or the STTR program of another Federal agency.

“(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.”.

#### SEC. 5207. CLARIFYING THE DEFINITION OF “PHASE III”.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program” after “phase”;

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting “for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program” after “phase”;

(3) in paragraph (8), by striking “and” at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(10) the term ‘commercialization’ means—

“(A) the process of developing products, processes, technologies, or services; and

“(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking “scientific review criteria” and inserting “merit-based selection procedures”;

(ii) in paragraph (9), by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(iii) by adding at the end the following:

“(11) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(12) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(13) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”;

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”;

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”;

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”;

(D) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”;

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”;

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”;

(H) in subsection (r)—

(I) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”;

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking “second phase period” and inserting “Phase II period”; and

(II) in the second sentence—

(aa) by striking “second phase” and inserting “Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and

(I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking “third phase” and inserting “Phase III”.

**SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting “(A)” after “(4)”;

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the SBIR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”;

(2) in subsection (o)(4)—

(A) by inserting “(A)” after “(4)”;

(B) by adding “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(B) make a final decision on each proposal submitted under the STTR program—

“(i) not later than 90 days after the date on which the solicitation closes; or

“(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;”.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”; and

(B) in subsection (b)(5)—

(i) by striking “A grant” and inserting “Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant”; and

(ii) by striking “section 402(k)” and all that follows through “(Act)” and inserting “section 402(l) of such Act”.

**TITLE LIII—OVERSIGHT AND EVALUATION**  
**SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.**

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through

“under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

**SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.**

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”.

**SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.**

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”.

**SEC. 5304. PUBLIC DATABASE.**

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

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

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

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

**SEC. 5305. GOVERNMENT DATABASE.**

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Act of 2000” and inserting “Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011”;

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

“(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

“(i) the name, size, and location, and an identifying number assigned by the Administrator of the small business concern;

“(ii) an abstract of the project;

“(iii) the specific aims of the project;

“(iv) the number of employees of the small business concern;

“(v) the names of key individuals that will carry out the project;

“(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

“(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

“(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;”.

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

“(D) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(G) in subparagraph (E), as so redesignated, by striking “and” at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting “; and”; and

(I) by adding at the end the following:

“(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.”.

**SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

**SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.**

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

“(A) continue the most recent study under this section relating to—

“(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

“(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

“(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

“(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

“(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

“(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

**SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

**SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

**SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

“(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

“(B) release the contact information of the concern to such organizations.

“(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).”.

**SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

“(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

“(A) the administration of the SBIR program or the STTR program of the Federal agency;

“(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

“(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

“(D) carrying out the program under subsection (y);

“(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

“(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

“(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

“(H) carrying out subsection (cc);

“(I) carrying out subsection (ff);

“(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

“(K) funding for additional personnel and assistance with application reviews.

“(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

“(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking “shall not” and all that follows through “make available for the purpose” and inserting “shall not make available for the purpose”; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking “shall not make available for the purpose” and inserting the following: “shall not—

“(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

“(ii) make available for the purpose”; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

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

“(4) FUNDING.—

“(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to

the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

“(B) LIMITATIONS.—The funds described in subparagraph (A)—

“(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(ii) shall not be used to make Phase III awards.”.

**SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.**

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

**SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.**

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

**SEC. 5314. INTERAGENCY POLICY COMMITTEE.**

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the “Director”), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the “Committee”) comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR pro-

gram and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

**SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.**

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking “SIMPLIFIED REPORTING REQUIREMENTS” and inserting “REDUCING PAPERWORK AND COMPLIANCE BURDEN”;

(2) by striking “The Administrator” and inserting the following:

“(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator”; and

(3) by adding at the end the following:

“(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year

after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.”.

**TITLE LIV—POLICY DIRECTIVES**

**SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

**TITLE LV—OTHER PROVISIONS**

**SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.**

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of



water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

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

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

“(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “broad research topics and to topics that further 1 or more critical technologies” and inserting “applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities”;

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

(C) by adding at the end the following:

“(C) the National Academy of Sciences, in the final report issued by the ‘America’s Energy Future: Technology Opportunities, Risks, and Tradeoffs’ project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

“(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

“(E) the National Academy of Sciences, in the final report issued by the ‘Transit Research and Development: Federal Role in the National Program’ project and the report entitled ‘Transportation Research, Development and Technology Strategic Plan (2006–2010)’ issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

“(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

“(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

“(B) small business concerns owned and controlled by women;

“(C) small business concerns owned and controlled by veterans;

“(D) small business concerns owned and controlled by Native Americans; and

“(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.”.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

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

**SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(1) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

**SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

**SA 1116.** Mr. WICKER 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. —. IMPROVING 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.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver’s licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the

Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) IMPLEMENTATION.—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) REPORT.—

(1) IN GENERAL.—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) DEFINITIONS.—In this section:

(1) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) QUALIFYING MOTOR VEHICLE.—The term “qualifying motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

**SA 1117.** Mr. BINGAMAN 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. \_\_\_\_.** WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Withdrawal Area” on the map entitled “White Sands Military Reservation Withdrawal” and dated May 3, 2011;

(B) the approximately 37,600 acres of land depicted as “Parcel 1”, “Parcel 2”, and “Parcel 3” on the map entitled “Doña Ana County Land Transfer and Withdrawal” and dated April 20, 2011; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 3” on the map described in paragraph (2)(B) is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 1” on the map described in subsection (a)(2)(B)—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

**SA 1118.** 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 E of title III, add the following:

**SEC. 346.** MODIFICATION OF AVAILABILITY OF SURCHARGES COLLECTED BY COMMISSARY STORES.

(a) IN GENERAL.—Paragraph (1)(A) of section 2484(h) of title 10, United States Code, is amended by striking clauses (i) and (ii) and inserting the following new clauses:

“(i) to replace, renovate, expand, improve, repair, and maintain commissary stores and central product processing facilities of the defense commissary system;

“(ii) to acquire (including acquisition by lease), convert, or construct such commissary stores and central product processing facilities as are authorized by law;

“(iii) to equip the physical infrastructure of such commissary stores and central product processing facilities; and

“(iv) to cover environmental evaluation and construction costs related to activities described in clauses (i) and (ii), including costs for surveys, administration, overhead, planning, and design.”.

(b) SOURCE AND AVAILABILITY OF CERTAIN FUNDS.—Such section is further amended by adding at the end the following new paragraph:

“(6)(A) There shall be credited to the ‘Surcharge Collections, Sales of Commissary Stores, Defense Commissary’ account on the books of the Treasury receipts from sources or activities identified in the following:

“(i) Paragraph (5).

“(ii) Subsections (c), (d), and (g).

“(iii) Subsections (e), (g), and (h) of section 2485 of this title.

“(B)(i) Funds may not be appropriated for the account referred to in subparagraph (A), or appropriated for transfer into the account, unless such appropriation or transfer is specifically authorized in an Act authorizing appropriations for military activities of the Department of Defense.

“(ii) Funds appropriated for or transferred into the account in accordance with clause (i) may not be merged with amounts within the account.

“(iii) Funds appropriated for or transferred into the account in accordance with clause (i) shall not be available to acquire, convert, construct, or improve a commissary store or central product processing facility of the defense commissary system unless specifically authorized in an Act authorizing military construction for the Department of Defense.”.

**SA 1119.** Mr. BROWN, of Massachusetts (for himself and Mr. BOOZMAN) 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 I of title V, add the following:

**SEC. \_\_\_\_ . PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

“(b) COMPLETION OF DEPLOYMENT.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

“(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

“(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

“(f) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary concerned may prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

**SA 1120.** Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, Mr. DURBIN, Mr. TESTER, Mr. FRANKEN, and Mr. COONS) 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. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.**

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

**SA 1121.** Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. DURBIN) 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. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) in subsection (a), by striking “(a) RESTRICTION ON USE OF FUNDS.—”.

**SA 1122.** Mrs. SHAHEEN 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 E of title II, add the following:

**SEC. 2 \_\_\_\_ . LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.**

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

- (A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and
- (B) generally bounded—
  - (i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market

value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

**SA 1123.** 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:

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

**SEC. 705. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during retirement that is over and above

what such members pay in money as a premium for such health care.

**SA 1124.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

- Sec. 3301. Short title; amendment of title 46, United States Code; table of contents.
- Sec. 3302. Marine transportation system.
- Sec. 3303. Short sea transportation program amendments.
- Sec. 3304. Use of national defense reserve fleet and ready reserve force vessels.
- Sec. 3305. Green ships program.
- Sec. 3306. Waiver of navigation and vessel inspection laws.
- Sec. 3307. Ship scrapping reporting requirement.
- Sec. 3308. Extension of maritime security fleet program.
- Sec. 3309. Maritime workforce study.
- Sec. 3310. Maritime administration vessel recycling contract award practices.
- Sec. 3311. Prohibition on maritime administration receipt of polar icebreakers.
- Sec. 3312. Authorization of appropriations for fiscal year 2012.

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

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

“(d) **MARINE TRANSPORTATION SYSTEM.**—“(1) **REPORT ON WATERWAYS.**—Not later than October 1, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on 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 United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

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

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

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

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

“(C) controlling aquatic invasive species; and

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

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

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

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

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be 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) The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives on—

- “(1) the progress made to recycle vessels;
- “(2) any problems encountered in recycling vessels; and
- “(3) any other issues relating to vessel recycling and disposal.”

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

(a) Section 53101 is amended—

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

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

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

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

(2) by striking paragraph (5);

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

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

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

“(A) on October 1, 2015—

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

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

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

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

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

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

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

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

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

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

“(4) the vessel—

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

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

“(5) the vessel—

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

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

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

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

(c) Section 53103 is amended—

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

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

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

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

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

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

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with

an applicant that meets the requirements of section 53102(c) for vessels that meet the qualifications of section 53102(b) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”

(d) Section 53104 is amended—

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

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

(e) Section 53105 is amended—

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

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

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

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

(f) Section 53106 is amended—

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

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

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

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

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

(3) by striking subsection (f).

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

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

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

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

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

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

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

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

(j) Chapter 531 is amended by adding at the end the following:

**“SEC. 53112. Acquisition of fleet vessels**

“(a) IN GENERAL.—Notwithstanding section 2218(f) of title 10, United States Code, upon replacement of any vessel subject to an operating agreement under this chapter, and subject to agreement by the vessel owner, the Secretary is authorized, subject to concurrence with the Secretary of Defense, to acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

“(b) REQUIREMENTS.—In order to be eligible for acquisition by the Secretary under this section, a vessel shall—

“(1) have been included in a Maritime Security Program Operating Agreement for not less than 3 years; and

“(2) meet recapitalization requirements for the Ready Reserve Force.

“(c) FAIR MARKET VALUE.—The Maritime Administration shall establish a fair market value for the acquisition of an eligible vessel under this section.

“(d) APPROPRIATIONS.—A vessel acquisition under this section shall be subject to the availability of appropriations and the appropriations shall be part of the National Defense Reserve Fleet appropriations and separate from Maritime Security Program appropriations.”

(k) The table of contents for chapter 531 is amended—

(1) by striking the item relating to section 53109; and

(2) by inserting at the end the following:

“53112. Acquisition of fleet vessels.”

(1) 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 1125.** Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) 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; as follows:

On page 361, line 9, insert “abroad” after “is captured”.

**SA 1126.** Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) 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; as follows:

On page 360, between lines 21 and 22, insert the following:

(e) APPLICABILITY TO CITIZENS.—The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

**SA 1127.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 2, line 10, insert “and” after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant

losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

## SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

**SA 1128.** Mr. REID 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 in title VI, insert the following:

### SEC. \_\_\_\_ . ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

“(G) For a month for which the retiree receives veterans’ disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation”.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

### SEC. \_\_\_\_ . COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section \_\_\_\_ (a), is further amended—

(A) by striking “a member or” and all that follows through “retiree”)” and inserting “a qualified retiree”; and

(B) by adding at the end the following new paragraph:

“(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay (other by reason of section 12731b of this title); and

“(B) is also entitled for that month to veterans’ disability compensation.”.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member’s retired pay under such chapter exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

**SA 1129.** Mr. REID 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 follow:

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

### SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division

A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O’Callaghan Federal Hospital” each place it appears and inserting “Mike O’Callaghan Federal Medical Center”.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

“SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.”.

**SA 1130.** Mr. REID (for himself and 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 follow:

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

### SEC. 1088. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

**SA 1131.** Mr. REID submitted an amendment 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 follow:

At the appropriate place in title VI, insert the following:

### SEC. \_\_\_\_ . CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

**SA 1132.** Mr. MCCAIN (for himself 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 follow:

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

**SEC. 1005. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.**

(a) **PLANNING REQUIREMENT.**—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) **SEMIANNUAL UPDATES.**—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

**SA 1133.** Mr. BLUNT (for himself and Mrs. GILLIBRAND) 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 follow:

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

**SEC. \_\_\_\_ . REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.**

(a) **IN GENERAL.**—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

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

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

“(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.”

(b) **EFFECTIVE DATE.**—Subparagraph (F) of such section 4312(c)(4), as added by subsection (a)(3), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32 of such Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

**SA 1134.** 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 follow:

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

**SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.**

(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 on the policies and practices of the Navy for naming vessels of the Navy.

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

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

**SA 1135.** Ms. SNOWE 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 follow:

At the end of title XXVII, add the following:

**SEC. 2705. ENHANCED COMMISSARY STORES PILOT PROGRAM.**

(a) **AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.**—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

**“§ 2488a. Enhanced commissary stores**

“(a) **AUTHORITY TO OPERATE.**—The Defense Commissary Agency may operate an enhanced commissary store at such military installations designated for closure or adverse realignment under a base closure law as the Defense Commissary Agency considers to be appropriate.

“(b) **ADDITIONAL CATEGORIES OF MERCHANDISE.**—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in the following categories as commissary merchandise:

“(A) Alcoholic beverages.

“(B) Tobacco products.

“(C) Items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

“(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store.

“(c) **SALES PRICE ESTABLISHMENT AND SURCHARGE.**—Subsections (d) and (e) of section

2484 of this title shall not apply to the pricing of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

“(d) **RETENTION AND USE OF PORTION OF PROCEEDS.**—(1) The Secretary of Defense may retain amounts equal to the difference between—

“(A) the retail price of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) and in other merchandise categories authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store; and

“(B) the invoice cost of such merchandise.

“(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

“2488a. Enhanced commissary stores.”

**SA 1136.** Mr. PAUL 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 follow:

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

**SEC. 1088. PROHIBITION ON ESTABLISHMENT OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND (AFRICOM) OUTSIDE THE CONTINENTAL UNITED STATES.**

None of the amounts authorized to be appropriated by this Act or authorized or appropriated by any other Act may be used to establish the headquarters of the United States Africa Command (AFRICOM) outside of the continental United States.

**SA 1137.** Mr. HELLER (for himself and 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 H of title X, add the following:

**SEC. 1088. RECOGNITION OF JERUSALEM AS THE CAPITAL OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to recognize Jerusalem as the undivided capital of the state of Israel, both de jure and de facto.

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

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and



religious group are protected as they have been by Israel since 1967;

(2) every citizen of Israel should have the right to reside anywhere in the undivided city of Jerusalem;

(3) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(4) the President should immediately implement the provisions of the Jerusalem Embassy Act of 1995 (Public Law 104-45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) United States officials should refrain from any actions that contradict United States law on this subject.

(c) AMENDMENT OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(d) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

**SA 1138.** Mr. HELLER (for himself, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. BLUMENTHAL, and Mr. KERRY) 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. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.**

(a) IN GENERAL.—The Secretary of Defense shall take whatever actions may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that cannot be identified, transport the remains to Arlington National Cemetery for interment at an appropriate grave marker identifying the United States Navy Sailors of the USS Intrepid who gave their lives on September 4, 1804, in Tripoli, Libya.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) REPORT.—Not later than 180 days after the effective date of this section, the Secretary shall submit to Congress a report describing the status of the actions under this section. The report shall include an estimate of the date of the completion of the actions undertaken, and to be undertaken, under this section.

(d) EFFECTIVE DATE.—This section takes effect on the date on which Operation Unified Protector of the North Atlantic Treaty Organization (NATO), or any successor operation, terminates.

(e) AVAILABLE FUNDS.—The Secretary shall carry out this section using amounts authorized to be appropriated for the Department of Defense by Acts enacted before the date of the enactment of this Act.

**SA 1139.** Mr. CASEY (for himself and Mrs. MCCASKILL) 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; as follows:

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

**SEC. 889. SUBCONTRACTOR NOTIFICATIONS.**

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

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

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

**SA 1140.** Mr. CASEY 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; as follows:

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

**SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

**SA 1141.** Mrs. BOXER (for herself and Mr. BURR) 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. FLEXIBLE SPENDING ARRANGEMENTS FOR HEALTH CARE AND DEPENDENT CARE FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries concerned should implement flexible spending arrangements for members of the uniformed services with respect to basic pay and compensation for health care and dependent care on a pre-

tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other Secretaries concerned, submit to Congress a report setting forth a plan to implement flexible spending arrangements for members of the uniformed services as described in subsection (a). The plan shall include the following:

(1) An identification of any obstacles to the implementation of the plan, including a statement of any additional authorities required for implementation of the plan.

(2) A schedule for completion of the implementation of the plan.

(3) An estimate of the costs to be associated with the implementation of the plan.

(c) SECRETARIES CONCERNED DEFINED.—In this section, the term “Secretaries concerned” means the following:

(1) The Secretary of Defense, with respect to members of the Army, the Navy, the Marine Corps, and the Air Force.

(2) The Secretary of Homeland Security, with respect to members of the Coast Guard.

(3) The Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service.

(4) The Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration.

**SA 1142.** Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) 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. . . . DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.**

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the “Distinguished Flying Cross National Memorial”.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

**SA 1143.** Mrs. HAGAN (for herself and Mr. PORTMAN) 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 G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.**

(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, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

**SA 1144.** 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:

**SA 1145.** Mr. TESTER (for himself, Mrs. HUTCHISON, and Mr. CONRAD) 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. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at

such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, "Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe", GAO-11-131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employ-

ees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) MILITARY AIRCRAFT.—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission will not interfere with the requirements of military operations.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

**SA 1146.** Mr. REED 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 114, strike line 2 and insert the following:

the study, and

(8) ensure the involvement and input of military technicians (dual status), including through their exclusive representatives in the case of military technicians (dual status) who are members of a collective bargaining unit.

**SA 1147.** Mr. REED 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 V, add the following:

**SEC. 515. PROHIBITION ON REPAYMENT OF ENLISTMENT OR RELATED BONUSES BY CERTAIN INDIVIDUALS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS) WHILE ALREADY A MEMBER OF A RESERVE COMPONENT.**

(a) PROHIBITION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) PROHIBITION ON REPAYMENT OF CERTAIN ENLISTMENT AND RELATED BONUSES.—The Secretary concerned may not require an individual who becomes employed as a military technician (dual status) while the individual is already a member of a reserve component to repay an enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment if the individual becomes so employed in the same occupational specialty for which such bonus was provided.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals first becoming employed as a military technician (dual status) on or after that date.

**SA 1148.** Mr. REED 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 V, add the following:

**SEC. 515. RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND THE ADJUTANT GENERAL FOR MILITARY TECHNICIANS.**

(a) RIGHTS IN ADVERSE ACTIONS NOT RELATED TO MILITARY SERVICE.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking “Notwithstanding any other provision of law and under” and inserting “Under”; and

(B) in paragraph (4), by striking “a right of appeal” and inserting “subject to subsection (j), a right of appeal”; and

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

“(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

“(2) The rights in paragraph (1) shall not apply to actions relating to military service.

“(3) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.”.

(b) ADVERSE ACTIONS COVERED.—Subsection (g) of such section is amended by striking “, 3502, 7511, and 7512” and inserting “and 3502”.

(c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

**SA 1149.** Mr. BEGICH (for himself and Ms. MURKOWSKI) 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; as follows:

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

**SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.**

(a) CONVEYANCES AUTHORIZED.—

(1) IN GENERAL.—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the “JBER”); the Municipality of Anchorage, an Alaska municipal corporation (in this section referred to as the “Municipality”); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982,

North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER’s current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) TRANSFER OF ADMINISTRATIVE CONTROL.—

(1) REAL PROPERTY ACTIONS.—The Secretary of the Interior shall complete any real property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) ADMINISTRATIVE JURISDICTION.—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or ac-

count, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

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

**SA 1150.** Mr. PRYOR 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. IMPROVEMENTS TO STAFF CONFERENCES DIRECTED BY UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) IN GENERAL.—Subchapter II of chapter 72 of title 38, United States Code, is amended by inserting after section 7264 the following new section:

**“§ 7264A. Staff conferences**

“(a) FILING OF REPORT DESCRIBING BASIS FOR OPPOSITION BY SECRETARY TO REMAND.—If the Court of Appeals for Veterans Claims directs the representatives and self-represented parties to participate in a staff conference pursuant to rule 33 of the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims, or any corresponding similar rule, and an agreement to remand the matter has not been reached before the end of such conference, the Secretary shall, not later than seven days after the end of such conference, submit to the Court and the appellant a written report describing the basis upon which the Secretary remains opposed to remand.

“(b) SUBSEQUENT DETERMINATION BY SECRETARY OF NEED FOR REMAND.—If the Secretary submits a written report as described in subsection (a) in a matter, the Secretary may not seek a remand of the matter without the agreement of the appellant.

“(c) EFFECT OF SUBSEQUENT DETERMINATION OF NEED FOR REMAND.—Any period during which the Court is considering a motion made or during which a matter is remanded in accordance with subsection (b) shall not be counted against an appellant for purposes of any time limitation under this chapter or the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims.

“(d) PROHIBITION ON OBJECTION OR OPPOSITION TO SUBSEQUENT FILINGS FOR FEES AND OTHER EXPENSES.—If the Secretary seeks a remand after the end of the seven-day period described in subsection (a), the Secretary may not oppose any subsequent filing by the

appellant for fees and other expenses under section 2412 of title 28.

“(e) SANCTIONS.—If the Secretary fails to comply with this section, the Court may impose on the Secretary such sanctions, including monetary sanctions, as the Court considers appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by inserting after the item relating to section 7264 the following new item:

“7264A. Staff conferences.”

**SA 1151.** Mr. PRYOR 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. 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.**

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: “or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training”.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

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

“(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person’s residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.”.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

**SA 1152.** Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. LEAHY, Mr. SESSIONS, Mrs. SHAHEEN, Ms. SNOWE, Mr. TESTER, Mr. THUNE, and Mr. WYDEN) 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. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

“§ 107A. Honoring as veterans certain persons who performed service in the reserve components

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”.

**SA 1153.** Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) 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. INCLUSION OF ULTRALIGHT VEHICLES IN DEFINITION OF AIRCRAFT FOR CERTAIN AVIATION SMUGGLING PROVISIONS.**

(a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—

(1) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”.

(2) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting “, or attempts or conspires to commit,” after “commits”.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

(b) INTERAGENCY COLLABORATION.—The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used

by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

**SA 1154.** Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, and Mr. ALLEXANDER, Mr. NELSON of Florida, and Mr. UDALL of Colorado) 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. . ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORT BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to develop a report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(2) SUBMITTAL TO CONGRESS.—Not later than 540 days after the date on which the registry required by subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the report developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

**SA 1155.** Ms. COLLINS 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; as follows:

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

**SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.**

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

(1) Physical therapy.

(2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

(1) The military departments.

(2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

**SA 1156.** 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:

In section 331(a), strike paragraph (2) and insert the following:

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1)—

(A) consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges;

(B) consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges;

(C) consult with Governors, State legislators, and locally elected officials;

(D) consult with the RAND Corporation concerning the RAND Project Air Force report entitled, “Preserving Range and Airspace Access for the Air Force Mission: Striving for a Strategic Vantage Point”; and

(E) consult with United States allies currently training at United States test and training ranges on a regular basis, at least annually, to solicit their input and assessment of their experiences at those test and training ranges.

**SA 1157.** 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:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States, and articulate the prospects for realizing those opportunities.

**SA 1158.** Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) 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; as follows:

On page 367, strike line 11 and all that follows through “Guantanamo” on line 18 and insert the following:

(c) PERMANENT PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

**SA 1159.** Mr. LEAHY 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:

**SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.**

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C(c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”.

**SA 1160.** Mr. WYDEN (for himself and Mr. MERKLEY) 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. CLOSURE OF UMATILLA CHEMICAL DEPOT, OREGON.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) BRAC PROCEDURES AND AUTHORITIES.—The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in 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).

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) RETENTION OF PROPERTY AND FACILITIES.—The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot totaling approximately 7,500 acres as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

**SA 1161.** 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 B of title III, add the following:

**SEC. 316. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.**

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

**“§ 2915a. Facilities: Department of Defense energy managers**

“(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training program for Department of Defense energy managers designated for military installations—

“(1) to improve the knowledge, skills, and abilities of energy managers; and

“(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

“(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

“(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

“(B) Details of energy contracting options for third-party financing of facility energy projects.

“(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

“(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

“(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

“(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

“(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

“(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

“(c) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums for energy managers to exchange ideas and lessons-learned within each military department, as well as across the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

“2915a. Facilities: Department of Defense energy managers.”.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

**SA 1162.** 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 B of title III, add the following:

**SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.**

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.”.

**SA 1163.** 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 B of title III, add the following:

**SEC. 316. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.**

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

“(2)(A) The Secretary of Defense shall prescribe a definition of the term ‘energy-efficient product’ for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

“(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

“(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.”.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.”.

**SA 1164.** 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 H of title X, add the following:

**SEC. 1088. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.**

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Govern-

ment of India to increase mutual understanding regarding best practices in defense acquisition.

**SA 1165.** 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. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.**

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

**SA 1166.** 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. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.**

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

**SA 1167.** 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 Congress 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.

**SA 1168.** 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 G of title V, add the following:

**SEC. 574. INDEPENDENT ASSESSMENT OF OPTIONS FOR IMPROVING EDUCATION PROVIDED TO STUDENTS ATTENDING DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.**

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall award a contract, grant, or cooperative agreement to an independent entity to conduct, in consultation with the organizations specified in subsection (c), an assessment of the following options for improving the quality of education provided to students attending domestic dependent elementary and secondary schools:

(1) Improving the quality of the educational programs provided by, and remediating the condition of the facilities of, domestic dependent elementary and secondary schools.

(2) Transferring the administration of all of the domestic dependent elementary and secondary schools in some or all communities in the United States from the Department of Defense Education Activity to the local educational agencies in those communities.

(3) Closing all of the domestic dependent elementary and secondary schools in some or all communities in the United States and transferring students attending those schools to public elementary and secondary schools in those communities.

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

(1) The cost to the Department of Defense Education Activity, the Department of Education, States, and local educational agencies of each of the options described in subsection (a).

(2) The condition of facilities of the domestic dependent elementary and secondary schools and, if the condition of those facilities is inadequate, the cost of remediating those facilities.

(3) The capacity of local educational agencies—

(A) to administer the domestic dependent elementary and secondary schools; and

(B) to absorb into public elementary and secondary schools the number of students attending domestic dependent elementary and secondary schools.

(4) The quality of educational programs administered by local educational agencies, as measured by student achievement, graduation rates, the leadership of those agencies, the staffing of those programs, and the availability of infrastructure for the use of technology in classrooms.

(5) The availability in communities near domestic dependent elementary and secondary schools of resources to support a highly mobile population that includes members of the Armed Forces who may be deployed.

(6) The available options for, and problems relating to, transporting students who reside on military installations to public elementary and secondary schools.

(7) The impact of the drawdown of operations in Iraq and Afghanistan on the population of students to be served.

(c) **ORGANIZATIONS SPECIFIED.**—The organizations specified in this subsection are mili-

tary family associations, teachers labor organizations, and superintendents of domestic dependent elementary and secondary schools and public elementary and secondary schools.

(d) **EXCLUSION.**—The assessment required by subsection (a) is not required to address—

(1) the transfer of the administration of domestic dependent elementary and secondary schools in Puerto Rico to local educational agencies; or

(2) the transfer of students attending those schools to public elementary and secondary schools in Puerto Rico.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the independent entity conducting the assessment required by subsection (a) shall submit to the Secretary of Defense and the congressional defense committees the results of the assessment.

(f) **DEFINITIONS.**—In this section:

(1) **DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.**—The term “domestic dependent elementary and secondary schools” means elementary and secondary schools administered pursuant to section 2164 of title 10, United States Code.

(2) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(g) **FUNDING.**—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities for the Department of Defense Education Activity as specified in the funding table in section 4301, \$1,000,000 shall be available to carry out this section.

**SA 1169.** 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. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.**

(a) **MODIFICATION OF SELECTION CRITERIA.**—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking “notification an evaluation” and inserting “notification—

“(A) an evaluation”; and

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

“(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

“(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

“(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and”.

(b) **EFFECT OF SIGNIFICANT IMPACTS.**—Such section is further amended by adding at the end the following new subsection:

“(f) If the Secretary of Defense or the Secretary of the military department concerned

determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

“(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

“(2) concludes consultation with the Federal Highway Administration with regard to such impact; and

“(3) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.”.

(c) **TRANSPORTATION INFRASTRUCTURE DEFINED.**—Subsection (e) of such section is amended by adding at the end the following new paragraph:

“(5) The term ‘transportation infrastructure’ includes transit, pedestrian, and bicycle infrastructure.”.

(d) **RELATION TO COMMISSION BASE CLOSURE PROCESS.**—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case under 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), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

**SEC. 2706. 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.**—

(1) **AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS.**—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.”.

(2) **RETROACTIVE APPLICATION.**—The amendment made by paragraph (1) shall apply with respect to the implementation of the recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission received by Congress on September 19, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

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

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

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan



to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

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

**SA 1170.** 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 C of title VII, add the following:

**SEC. 723. UNIFIED MEDICAL COMMAND.**

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

**“§ 167b. Unified combatant command for medical operations**

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(e) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the officer’s permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

“(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

“(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

“(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

“(C) the Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer’s permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE program (as defined in section 1072(7) of this title).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer’s perma-

nent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

**SA 1171.** 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 B of title XII, add the following:

**SEC. 1230. PROHIBITION ON ASSISTANCE FOR PAKISTAN SECURITY FORCES WITH CONNECTIONS TO TERRORIST ORGANIZATIONS**

None of the amounts authorized to be appropriated by this or any other Act may be made available to any unit of the security forces of Pakistan if the Secretary of Defense determines that the United States Government has credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

**SA 1172.** 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 B of title XII, add the following:

**SEC. 1230. REPORT ON ENDING COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Special Representative for Afghanistan and Pakistan, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives 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.

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

(1) A characterization of the types of reimbursements requested by the Government of Pakistan.

(2) An assessment of the total amount reimbursed to the Government of Pakistan, by fiscal year, since the beginning of Operation Enduring Freedom.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has denied payment.

(4) An assessment of whether the operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and reimbursed from the Coalition Support Fund have materially impacted the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations for, and a timeline to implement, a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

**SA 1173.** 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 C of title XII, add the following:

**SEC. 1243. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.**

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

(1) The North Atlantic Treaty Organization (NATO) historically set a target commitment for member states to spend two percent of their gross domestic product on their defense expenditures.

(2) In 2010, the North Atlantic Treaty Organization identified only 5 member states meeting this target for defense expenditures, including the United States, Albania, France, Greece, and the United Kingdom, leaving 23 member states short of meeting the target.

(3) Secretary of Defense Robert Gates made the following statement on the North Atlantic Treaty Organization on October 14, 2010, in a conversation with reporters: “[m]y worry is that the more our allies cut their capabilities, the more people will look to the United States to cover whatever gaps are

created. . . And at a time when we’re facing stringencies of our own, that’s a concern for me”.

(4) Secretary of State Hillary Clinton, in an interview with the BBC on October 15, 2010, stated that “NATO has been the most successful alliance for defensive purposes in the history of the world, I guess, but it has to be maintained. Now each country has to be able to make its appropriate contributions”.

(5) On March 30, 2011, Admiral James G. Stavridis stated in a hearing before the Committee on Armed Services of the House of Representatives that “[w]e need to be emphatic with our European allies that they should spend at least the minimum NATO 2 percent”.

(6) In a speech delivered in Brussels on June 10, 2011, Secretary of Defense Gates further stated that “[i]n the past, I’ve worried openly about NATO turning into a two-tiered alliance: Between members who specialize in ‘soft’ humanitarian, development, peacekeeping, and talking tasks, and those conducting the ‘hard’ combat missions. Between those willing and able to pay the price and bear the burdens of alliance commitments, and those who enjoy the benefits of NATO membership – be they security guarantees or headquarters billets – but don’t want to share the risks and the costs. This is no longer a hypothetical worry. We are there today. And it is unacceptable”.

(7) In that same speech on June 10, 2011, Secretary of Defense Gates added that “I am the latest in a string of U.S. defense secretaries who have urged allies privately and publicly, often with exasperation, to meet agreed-upon NATO benchmarks for defense spending. However, fiscal, political and demographic realities make this unlikely to happen anytime soon, as even military stalwarts like the U.K have been forced to ratchet back with major cuts to force structure. Today, just five of 28 allies – the U.S., U.K., France, Greece, along with Albania – exceed the agreed 2% of GDP spending on defense”.

(8) Secretary of Defense Gates also stated that “[t]he blunt reality is that there will be dwindling appetite and patience in the U.S. Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense. Nations apparently willing and eager for American taxpayers to assume the growing security burden left by reductions in European defense budgets”.

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

(1) to commend the North Atlantic Treaty Organization for historically providing an extension to the United States security capabilities; and

(2) to call upon the President—

(A) to engage each of the member states of the North Atlantic Treaty Organization in a dialogue about the long-term health of the North Atlantic Alliance and strongly encourage each of the member states to make a serious effort to protect defense budgets from further reductions, better allocate and coordinate the resources presently available, and recommit to spending at least two percent of gross domestic product on defense; and

(B) to examine and report to Congress on recommendations that will lead to a stronger North Atlantic Alliance in terms of military capability and readiness across the 28 member states, with particular focus on the smaller member states.

**SA 1174.** Mr. MERKLEY (for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr.

PAUL, and Mr. BROWN of Ohio) 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 B of title XII, add the following:

**SEC. 1230. SENSE OF CONGRESS ON TRANSITION OF MILITARY AND SECURITY OPERATIONS IN AFGHANISTAN.**

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

(1) After al Qaeda attacked the United States on September 11, 2001, the United States Government rightly sought to bring to justice those who attacked us, to eliminate al Qaeda’s safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government.

(2) Members of the Armed Forces, intelligence personnel, and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

(3) Operation Enduring Freedom is now the longest military operation in United States history.

(4) United States national security experts, including Secretary of Defense Leon E. Panetta, have noted that al Qaeda’s presence in Afghanistan has been greatly diminished.

(5) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(6) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(7) Members of the Armed Forces have served in Afghanistan valiantly and with honor, and many have sacrificed their lives and health in service to their country.

(8) The United States is now spending nearly \$10,000,000,000 per month in Afghanistan at a time when, in the United States, there is high unemployment, a flood of foreclosures, a record deficit, and a debt that is over \$15,000,000,000,000 and growing.

(9) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(10) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(11) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(12) President Barack Obama is to be commended for announcing in July 2011 that the United States would commence the redeployment of members of the United States Armed Forces from Afghanistan in 2011 and transition security control to the Government of Afghanistan.

(13) President Obama has established a goal of removing all United States combat troops from Afghanistan by December 2014.

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

(1) the President should expedite the transition of the responsibility for military and security operations in Afghanistan to the Government of Afghanistan;

(2) the President should devise a plan based on inputs from military commanders, the

diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities prior to December 2014; and

(3) not later than 90 days after the date of the enactment of this Act, the President should submit to Congress a plan with a timetable and completion date for the accelerated transition of all military and security operations in Afghanistan to the Government of Afghanistan.

**SA 1175.** Mr. KERRY 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 VII, add the following:

**SEC. 714. WARFIGHTER TRANSLATIONAL RESEARCH CENTER.**

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish in the Defense Health Program a Warfighter Translational Research Center (in this section referred to as the “Center”) to support the development of diagnostics and therapeutics to address gaps in the treatment of injured members of the Armed Forces.

(b) **PRIMARY FUNCTIONS.**—The primary functions of the Center include the following:

(1) Developing a tool that can be used before and after a deployment to assess the mental health of a member of the Armed Forces.

(2) Using the tool developed under paragraph (1) to establish a baseline mental health assessment of each member of the Armed Forces before such member is deployed and carrying out a mental health screening of each such member after deployment—

(A) to decrease the incidence of undiagnosed post traumatic stress disorder and traumatic brain injury; and

(B) to determine whether there are certain factors that make a person more or less likely to experience post traumatic stress.

(c) **PUBLIC-PRIVATE PARTNERSHIPS.**—In carrying out the functions of the Center, the Center shall establish partnerships between public and private entities.

(d) **COMPETITIVE CONTRACTS.**—All contracts awarded by the Center shall be awarded on a competitive basis.

**SA 1176.** Mr. KERRY 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. —. ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) **REPEAL OF SUNSET.**—Subsection (c) of section 2203 of the Housing and Economic

Recovery Act of 2008 (Public Law 110-289) is amended to read as follows:

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

(b) **EXPANSION OF PROTECTIONS TO INCLUDE WIDOWS AND WIDOWERS.**—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended—

(1) by inserting “, or widow or widower of a servicemember who dies during such service,” after “by a servicemember”; and

(2) by inserting “, widow’s, or widower’s” after “when the servicemember’s”.

**SA 1177.** Mrs. MURRAY 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 title VII, add the following:

**Subtitle D—Other Matters**

**SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.**

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

“(c) **REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

“(2) **CONSULTATION.**—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.”.

**SA 1178.** Mrs. MURRAY (for herself and Ms. CANTWELL) 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 VIII, add the following:

**SEC. 827. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

“(a) **DEFINITIONS.**—For the purposes of this section:

“(1) **MULTIYEAR CONTRACT.**—The term ‘multiyear contract’—

“(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

“(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

“(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) **ADVANCED BIOFUEL.**—The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(b) **DEFENSE CONTRACTS.**—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

“(k) **DEFINITIONS.**—For the purposes of this section:

“(1)(A) Except as provided in subparagraph (B), the term ‘multiyear contract’ means a contract for the purchase of property or services for more than one, but not more than five, program years.

“(B) In the case of a contract for the purchase of advanced biofuel, the term ‘multiyear contract’ means a contract for the purchase of such fuel for a period of up to 15 program years.

“(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contracts entered into on or after the date occurring 180 days after the date of the enactment of this Act.

**SA 1179.** 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 A of title V, add the following:

**SEC. 505. NUMBER OF JUDGE ADVOCATES OF THE AIR FORCE IN THE REGULAR GRADE OF BRIGADIER GENERAL.**

Section 8037 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Four officers of the Air Force designated as judge advocates shall hold the regular grade of brigadier general.”.

**SA 1180.** Ms. COLLINS (for herself and Mrs. SHAHEEN) 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; as follows:

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

**SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.**

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disarmed, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-port-

able air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) FORM.—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-

missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

**SA 1181.** Mrs. MURRAY 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 V, add the following:

**SEC. 577. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.**

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

**SA 1182.** Mr. SESSIONS 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. PROHIBITION ON PERMANENT STATIONING OF MORE THAN TWO ARMY BRIGADE COMBAT TEAMS WITHIN UNITED STATES EUROPEAN COMMAND.**

(a) **IN GENERAL.**—Effective as of January 1, 2016, the number of Army Brigade Combat Teams that may be permanently stationed within the geographic boundaries of the United States European Command (EUCOM) may not exceed two brigade combat teams.

(b) **MILITARY CONSTRUCTION.**—No military construction project may be commenced or undertaken for or in connection with or support of the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

**SA 1183.** Mr. SESSIONS 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. MAINTENANCE OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

The Secretary of Defense shall take appropriate actions to maintain for the United States a range of strategic nuclear delivery systems appropriate for the current and anticipated threats faced by the United States, including a triad of sea-based, land-based, and air-based strategic nuclear delivery systems.

**SA 1184.** Mr. SESSIONS 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 X, add the following:

**SEC. 1024. LIMITATION ON REDUCTION IN NUMBER OF SURFACE COMBATANTS OF THE NAVY BELOW 313 VESSELS.**

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

(1) The 2011 Shipbuilding Plan of the Navy contemplates a baseline of 313 surface combatants in the Navy.

(2) The national security of the United States requires that the shipbuilding activities of the Navy ensure a Navy composed of at least 313 surface combatants.

(3) It is in the national interest that the future-years defense programs of the Department of Defense provide for a Navy composed of at least 313 surface combatants.

(b) **LIMITATION.**—The Secretary of the Navy may not carry out any reduction in the number of surface combatants of the Navy below 313 surface combatants unless the Secretary, after consultation with the commanders of the combatant commands, certifies to Congress that the Navy will continue to possess the capacity to support the requirements of the combatant commands after such reduction.

**SA 1185.** Mr. SESSIONS 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 II, add the following:

**SEC. 234. REPORT ON MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.**

(a) **FINDING.**—Congress finds that the Obama Administration plans to limit or cancel the deployment of the European Phased Adaptive Approach (EPAA) to missile defense.

(b) **REPORT.**—In light of the finding in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

**SA 1186.** Mr. LEAHY (for himself and Mr. GRASSLEY) 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 X, add the following:

**Subtitle I—Fighting Fraud to Protect Taxpayers**

**SEC. 1090. DEPARTMENT OF JUSTICE WORKING CAPITAL FUND REFORMS.**

Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘covered amounts’ means—

“(i) the unobligated balances in the debt collection management account; and

“(ii) the unobligated balances in the supplemental fraud fighting account;

“(B) the term ‘debt collection management account’ means the account established in the Department of Justice Working Capital Fund under paragraph (2);

“(C) the term ‘fraud offense’ includes—

“(i) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) and an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2 and 78dd-3);

“(ii) a securities fraud offense, as defined in section 3301 of title 18, United States Code;

“(iii) a fraud offense relating to a financial institution or a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), including an offense under section 152, 157, 1004, 1005, 1006, 1007, 1011, or 1014 of title 18, United States Code;

“(iv) an offense involving procurement fraud, including defective pricing, bid rigging, product substitution, misuse of classified or procurement sensitive information, grant fraud, fraud associated with labor mischarging, and fraud involving foreign military sales;

“(v) an offense under the Internal Revenue Code of 1986 involving fraud;

“(vi) an action under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’), and an offense under chapter 15 of title 18, United States Code;

“(vii) an offense under section 1029, 1030, or 1031 of title 18, United States Code; and

“(viii) an offense under chapter 63 of title 18, United States Code; and

“(D) the term ‘supplemental fraud fighting account’ means the supplemental fraud fighting account established in the Department of Justice Working Capital Fund under paragraph (3)(A).

“(2) **DEBT COLLECTION MANAGEMENT ACCOUNT.**—Notwithstanding”;

(2) by striking “Such amounts” and inserting “Subject to paragraph (4), such amounts”;

(3) by adding at the end the following:

“(3) **SUPPLEMENTAL FRAUD FIGHTING ACCOUNT.**—

“(A) **ESTABLISHMENT.**—There is established as a separate account in the Department of Justice Working Capital Fund established under section 527 of title 28, United States Code, a supplemental fraud fighting account.

“(B) **CREDITING OF AMOUNTS.**—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the supplemental fraud fighting account up to 0.5 percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice.

“(C) **USE OF FUNDS.**—

“(i) **IN GENERAL.**—Subject to clause (ii), the Attorney General may use amounts in the supplemental fraud fighting account for the cost (including equipment, salaries and benefits, travel and training, and interagency task force operations) of the investigation of and conduct of criminal, civil, or administrative proceedings relating to fraud offenses.

“(ii) **LIMITATION.**—The Attorney General may not use amounts in the supplemental fraud fighting account for the cost of the investigation of or the conduct of criminal, civil, or administrative proceedings relating to—

“(I) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); or

“(II) an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2 and 78dd-3).

“(D) **CONDITIONS.**—Subject to paragraph (4), amounts in the supplemental fraud fighting account shall remain available until expended and shall be subject to the terms and conditions of the Department of Justice Working Capital Fund.

“(4) **MAXIMUM AMOUNT.**—

“(A) **IN GENERAL.**—There are rescinded all covered amounts in excess of \$175,000,000 at the end of fiscal year 2012 and the end of each fiscal year thereafter.

“(B) **RATIO.**—For any rescission under subparagraph (A), the Secretary of the Treasury shall rescind amounts from the debt collection management account and the supplemental fraud fighting account in a ratio of 6 dollars to 1 dollar, respectively.

“(5) **ANNUAL REPORT.**—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2012, and every year thereafter, the Attorney General shall submit to Congress a report that identifies, for the most recent fiscal year before the date of the report—

“(A) the amount credited to the debt collection management account and the amount credited to the supplemental fraud fighting account from civil debt collection litigation, which shall include, for each account—

“(i) a comprehensive description of the source of the amount credited; and

“(ii) a list the civil actions and settlements from which amounts were collected and credited to the account;

“(B) the amount expended from the debt collection management account for civil debt collection, which shall include a comprehensive description of the use of amounts in the account that identifies the amount expended for—

“(i) paying the costs of processing and tracking civil and criminal debt-collection litigation;

“(ii) financial systems;

“(iii) debt-collection-related personnel expenses;

“(iv) debt-collection-related administrative expenses; and

“(v) debt-collection-related litigation expenses;

“(C) the amounts expended from the supplemental fraud fighting account and the justification for the expenditure of such amounts; and

“(D) the unobligated balance in the debt collection management account and the unobligated balance in the supplemental fraud fighting account at the end of the fiscal year.”

**SEC. 1091. REIMBURSEMENT OF COSTS AWARDED IN FALSE CLAIMS ACT PROSECUTIONS.**

Section 3729(a)(3) of title 31, United States Code, is amended by adding at the end the following: “Any costs paid under this paragraph shall be credited to the appropriations accounts of the executive agency from which the funds used for the costs of the civil action were paid.”

**SEC. 1092. INTERLOCUTORY APPEALS OF SUPPRESSION OR EXCLUSION OF EVIDENCE.**

Section 3731 of title 18, United States Code, is amended in the second undesignated paragraph by inserting “Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the” after “an indictment or information, if the”.

**SEC. 1093. EXTENSION OF INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION CRIMES.**

Section 1956(a)(2)(A) of title 18, United States Code, is amended—

(1) by striking “intent to promote” and inserting the following: “intent to—

“(i) promote”; and

(2) by adding at the end the following:

“(ii) engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or”.

**SEC. 1094. CLARIFYING VENUE FOR FEDERAL MAIL FRAUD OFFENSES.**

(a) IN GENERAL.—Section 3237(a) of title 18, United States Code, is amended in the second undesignated paragraph by adding before the period at the end the following: “or in any district in which an act in furtherance of the offense is committed”.

(b) SECTION HEADING.—Section 3237 of title 18, United States Code, is amended in the section heading by striking “begun” and all that follows and inserting “taking place in more than one district”.

(c) TABLE OF SECTIONS.—The table of sections for chapter 211 of title 18, United States Code, is amended by striking the item relating to section 3237 and inserting the following:

“3237. Offenses taking place in more than one district.”

**SEC. 1095. EXPANSION OF AUTHORITY OF SECRET SERVICE.**

Section 3056 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “641, 656, 657,” after “510;”; and

(ii) by striking “493, 657,” and inserting “493;”; and

(B) in paragraph (3), by striking “federally insured”; and

(2) by adding at the end the following:

“(h)(1) For any undercover investigative operation of the United States Secret Service that is necessary for the detection and prosecution of a crime against the United States, the United States Secret Service may—

“(A) use amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, to—

“(i) purchase property, buildings, and other facilities and lease space within the United States (including the District of Columbia and the territories and possessions of the United States), without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, and sections 3901, 4501 through 4506, 6301, and 6306(a) of title 41; and

“(ii) establish, acquire, and operate on a commercial basis proprietary corporations and business entities as part of the undercover investigative operation, without regard to sections 9102 and 9103 of title 31;

“(B) deposit in banks and other financial institutions amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, and the proceeds from the undercover investigative operation, without regard to section 648 of this title and section 3302 of title 31; and

“(C) use the proceeds from the undercover investigative operation to offset necessary and reasonable expenses incurred in the undercover investigative operation, without regard to section 3302 of title 31.

“(2) The authority under paragraph (1) may be exercised only upon a written determination by the Director of the United States Secret Service (in this subsection referred to as the ‘Director’) that the action being authorized under paragraph (1) is necessary for the conduct of an undercover investigative operation. A determination under this paragraph may continue in effect for the duration of an undercover investigative operation, without fiscal year limitation.

“(3) If the Director authorizes the proceeds from an undercover investigative operation to be used as described in subparagraph (B) or (C) of paragraph (1), as soon as practicable after the proceeds are no longer necessary for the conduct of the undercover investigative operation, the proceeds remaining shall be deposited in the general fund of the Treasury as miscellaneous receipts.

“(4) As early as the Director determines practicable before the date on which a corporation or business entity established or acquired under paragraph (1)(A)(ii) with a net value of more than \$50,000 is to be liquidated, sold, or otherwise disposed of, the Director shall notify the Secretary of Homeland Security regarding the circumstances of the corporation or business entity and the liquidation, sale, or other disposition. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the general fund of the Treasury as miscellaneous receipts.

“(5)(A) The Director shall—

“(i) on a quarterly basis, conduct detailed financial audits of closed undercover investigative operations for which a written determination is made under paragraph (2); and

“(ii) submit to the Secretary of Homeland Security a written report of the results of each audit conducted under clause (i).

“(B) On the date on which the budget of the President is submitted under section

1105(a) of title 31 for each year, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report summarizing the audits conducted under subparagraph (A)(i) relating to the previous fiscal year.”

**SEC. 1096. FALSE CLAIMS SETTLEMENTS.**

(a) REPORTS BY ATTORNEY GENERAL.—Not later than November 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a public report, except the contents required in paragraphs (2), (3), (4) and (10) of subsection (b), that describes each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

(1) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all 12 settlements of alternative remedies); and

(2) results from a claim for damages of more than \$100,000.

(b) CONTENTS OF REPORTS.—The description of each settlement or compromise required to be included in an annual report under subsection (a) shall include—

(1) the total amount of the settlement or compromise and the portions of the settlement attributable to violations of various statutory authorities;

(2) the amount of actual damages, or if the amount of actual damages is not available a good faith estimate of the damages, that have been sustained;

(3) the amount of the settlement that represents civil penalties;

(4) the amount of the settlement that represents criminal fines and a statement of the basis for the fines;

(5) a description of the period during which the matter to which the settlement or compromise relates was pending, including—

(A) the date on which the complaint was originally filed;

(B) a description of the period the matter remained under seal;

(C) the date on which the Department of Justice determined whether to intervene in the case; and

(D) the date on which the settlement or compromise was finalized;

(6) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant had previously entered into a settlement or compromise relating to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and, if so, the date of and amount to be paid under each such settlement or compromise;

(7) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant—

(A) entered into a corporate integrity agreement relating to the settlement or compromise;

(B) entered into a deferred prosecution agreement or nonprosecution agreement relating to the settlement or compromise; or

(C)(i) previously entered into—

(I) a corporate integrity agreement relating to a settlement or compromise relating to a different violation of section 3730(b) of title 31, United States Code; or

(II) a deferred prosecution agreement or nonprosecution agreement relating to a settlement or compromise relating to a different violation of section 1031 of title 18, United States Code; and

(ii) if the defendant had entered an agreement described in clause (i), whether the agreement applied to the conduct that is the subject of the settlement or compromise described in the report or similar conduct;

(8) for a qui tam action—

(A) the percentage of the settlement amount awarded to the relator; and

(B) whether the relator requested a fair-ness hearing relating to the percentage received by the relator or the total amount of the settlement;

(9) the extent to which a relator or counsel for a relators participated in the settlement negotiations; and

(10) whether a defendant raised the possibility of requiring the disclosure of classified information as a reason for the Department to settle a case in lieu of litigation.

**SEC. 1097. AGGRAVATED IDENTITY THEFT AND FRAUD.**

(a) IN GENERAL.—Section 1028A of title 18, United States Code, is amended in the section heading by adding “and fraud” at the end.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028A and inserting the following:

“1028A. Aggravated identity theft and fraud.”.

**SEC. 1098. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION FEATURES, AND INFORMATION.**

(a) IN GENERAL.—Section 1028(a)(7) of title 18, United States Code, is amended by inserting “(including an organization)” after “person”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028 and inserting the following:

“1028. Fraud and related activity in connection with identification documents, authentication features, and information.”.

**SEC. 1099. ATTEMPT TO EVADE OR DEFEAT TAX.**  
Section 7201 of the Internal Revenue Code is amended—

(1) by striking “\$100,000” and inserting “\$500,000”; and

(2) by striking “\$500,000” and inserting “\$2,500,000”.

**SA 1187.** Mrs. GILLIBRAND (for herself and Mr. PORTMAN) 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 title XI, add the following:

**SEC. 1108. EXPEDITED HIRING AUTHORITY FOR DEFENSE INFORMATION TECHNOLOGY/CYBER WORKFORCE.**

(a) EXPEDITED HIRING AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1599e. Information technology/cyber workforce: expedited hiring authority**

“(a) AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense—

“(1) may designate any category of Information Technology/Cyber workforce positions in the Department of Defense as positions for which there exists a shortage of candidates or for which there is a critical hiring need; and

“(2) may use the authorities provided in those sections to recruit and appoint quali-

fied persons directly to positions so designated, and should appoint veterans to those positions to the maximum extent possible.

“(b) ANNUAL REPORT.—The Secretary of Defense shall submit an annual report to the congressional defense committees detailing the number of people hired under the authority of this section, the number of people so hired who transfer to a field outside the category of Information Technology/Cyber workforce, and the number of veterans who apply for, and are hired, for positions under this authority.

“(c) SUNSET.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2017.”.

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

“1599e. Information technology/cyber workforce: expedited hiring authority.”.

**SA 1188.** Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and 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; as follows:

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

**SEC. 1049. EXPANSION OF OPERATION HERO MILES.**

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

“(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

“(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.”.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(d) STYLISTIC AMENDMENTS.—

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

**“§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

**SA 1189.** Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and 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; as follows:

At the end of title VII, add the following:  
**Subtitle D—Mental Health Care for Members of Reserve Components on Inactive-Duty Training**

**SEC. 741. BEHAVIORAL HEALTH CARE FOR MEMBERS OF THE ARMED FORCES PERFORMING INACTIVE-DUTY TRAINING AND CERTAIN OTHER MEMBERS.**

(a) IN GENERAL.—Subsection (a)(1) of section 1074a of title 10, United States Code, is amended by inserting “(including a behavioral health illness)” after “or disease”.

(b) SERVICES FOR READINESS OF CERTAIN OTHER MEMBERS OF READY RESERVE.—Subsection (g)(1) of such section is amended by striking “medical and dental readiness” and inserting “medical, dental, and behavioral health readiness”.

**SEC. 742. MENTAL HEALTH ASSESSMENTS DURING INACTIVE-DUTY TRAINING FOR MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.**

(a) ACCESS TO ASSESSMENTS.—Each member of the National Guard in a unit of a State covered by subsection (b) who is performing inactive-duty training shall, while performing such training, be permitted access to a mental health assessment through a licensed mental health professional who shall be available for such assessments during duty hours of such training on the premises of the principal duty location of such member’s unit. Such mental health assessment shall be provided by the State in accordance with subsection (e).

(b) COVERED STATES.—A State covered by this subsection is a State that—

(1) meets the criteria under subsection (c), as determined by the Chief of the National Guard Bureau under subsection (d); and

(2) elects to provide mental health assessments for members of the National Guard as described in subsection (a) in accordance with subsection (e).

(c) CRITERIA.—

(1) IN GENERAL.—The Chief of the National Guard Bureau shall develop criteria for determining whether or not members of the National Guard of a particular State shall be permitted access to mental health assessments under subsection (a).

(2) ELEMENTS.—The criteria developed under paragraph (1) shall take into account the following:

(A) The rate of suicide among members of the National Guard of a State.

(B) The deployment schedule of National Guard units in a State, including, in particular, the number of National Guard units in the State recently returned from deployment.

(C) The economic circumstances of a State, including the rate of unemployment in the State generally and the rate of unemployment in the State among veterans.

(D) The availability of behavioral health care providers in a State (including civilian

providers, providers at military treatment facilities, and providers of or through the Department of Veterans Affairs) for members of the National Guard, including, in particular, the availability of such providers in rural areas of the State.

(E) Such other criteria as the Chief of the National Guard Bureau considers appropriate.

(3) PERIODIC UPDATES.—The Chief of the National Guard Bureau shall update the criteria developed under paragraph (1) every two years.

(4) CONSULTATION.—The Chief of the National Guard Bureau shall carry out this subsection in consultation with the Assistant Secretary of Defense for Health Affairs, the Surgeons General of the Armed Forces, and the Adjutants General of the National Guard.

(5) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Chief of the National Guard Bureau shall submit to the congressional defense committees a report on the criteria developed under this subsection.

(d) DETERMINATIONS REGARDING STATES.—Upon developing the criteria required by subsection (b), and every two years thereafter, the Chief of the National Guard Bureau shall determine whether or not each State meets the criteria for purposes of subsection (b)(1). In making such a determination, the Chief of the National Guard Bureau shall use the version of such criteria in effect at the time of such determination, as updated under subsection (c)(3).

(e) STATE ACTIONS.—

(1) ELECTION TO PROVIDE ASSESSMENTS.—

(A) IN GENERAL.—Upon the development of the criteria required by subsection (c), and every two years thereafter, a State that meets the criteria may elect to provide mental health assessments for members of the National Guard as described in subsection (a).

(B) PERIOD OF ELECTION.—An election under subparagraph (A) shall be effective for two years, and may be renewed by a State if the Chief of the National Guard Bureau determines under subsection (d) that the State continues to meet the criteria under subsection (c) at the time of such renewal.

(C) AVAILABILITY OF OPTION TO ELECT.—The lack of an election by a State under subparagraph (A) shall not prohibit the State from making an election under that subparagraph at any subsequent two-year interval if the State meets the criteria under subsection (c) at the commencement of such subsequent two-year interval.

(2) ASSESSMENTS.—

(A) IN GENERAL.—Each State making an election under paragraph (1) shall provide mental health assessments for members of the National Guard in units of the State as described in subsection (a) during the two-year period following the election.

(B) MANNER OF PROVISION.—A State shall provide mental health assessments under this paragraph in accordance with a plan developed by the State for that purpose. The plan shall ensure the availability of behavioral health providers for that purpose during duty hours of inactive-duty training on the premises of the principal duty location of National Guard units of the State performing such training. The plan may provide for the availability of such providers for that purpose through arrangements with contractors under the TRICARE program or other appropriate contractors or through such other means as the State considers appropriate.

(f) FEDERAL FUNDING.—Amounts authorized to be appropriated for the Department of Defense for Defense Health Program may be available for payment for, or reimburse-

ments of States for the costs of, mental health assessments of members of the National Guard under subsection (a).

(g) DEFINITIONS.—In this section:

(1) The term “inactive-duty training” has the meaning given that term in section 101(d)(7) of title 10, United States Code.

(2) The term “State” means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 743. BEHAVIORAL HEALTH SUPPORT FOR CERTAIN MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.**

(a) IN GENERAL.—Each member of the National Guard of a State meeting the criteria in section 742(c) who is participating in annual training duty or individual duty training shall, while so participating, have access to the behavioral health support programs specified in subsection (b).

(b) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs specified in this subsection are the following:

(1) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(2) Programs providing training on suicide prevention and post-suicide response.

(3) Psychological health programs.

(4) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(c) ACCESS WITHOUT COST TO MEMBERS.—Access to behavioral health programs, and to any services under such programs, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

**SEC. 744. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE RESERVES PERFORMING INACTIVE-DUTY TRAINING.**

(a) IN GENERAL.—The Secretary of the military department concerned may provide mental health assessments for members of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve who are performing inactive-duty training.

(b) CRITERIA.—A determination whether or not to provide mental health assessments for members of a given Reserve under subsection (a) may be made in accordance with criteria developed by the Secretary of the military department concerned, in consultation with the Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Armed Forces concerned.

(c) PROVISION WITHOUT COST TO MEMBERS.—Any mental health assessments provided under this section, and any services provided pursuant to such assessments, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and

Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

(e) INACTIVE-DUTY TRAINING DEFINED.—In this section, the term “inactive-duty training” has the meaning given that term in section 101(d)(7) of title 10, United States Code.

**SEC. 745. REPORTS ON EFFECTIVENESS OF MENTAL HEALTH ASSESSMENTS IN MEETING NEEDS OF MEMBERS OF THE RESERVE COMPONENTS PERFORMING INACTIVE-DUTY TRAINING.**

(a) BIENNIAL ASSESSMENT OF EFFECTIVENESS OF ASSESSMENTS.—Not later than two years after the date of the enactment of this Act, and every two years thereafter, the Assistant Secretary of Defense for Health Affairs shall conduct an assessment of the effectiveness of the mental health assessments provided members of the reserve components of the Armed Forces under this subtitle.

(b) ELEMENTS.—Each assessment under subsection (a) shall include an assessment of the following:

(1) The effect of the mental health assessments described in subsection (a) in assuring the behavioral health readiness of the following:

(A) The reserve components of the Armed Forces generally.

(B) The National Guard of each State in which mental health assessments were performed under section 742 during the two-year period covered by such assessment.

(C) Each of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve.

(2) For the two-year period covered by such assessment, rates of each of the following:

(A) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by the member.

(B) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a commander of the member.

(C) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a behavioral health provider.

(D) Symptoms of post-traumatic stress disorder (PTSD) in members participating in any such contacts.

(E) Substance abuse in members participating in any such contacts.

(F) Marriage or family concerns in members participating in any such contacts.

(G) Job or financial concerns in members participating in any such contacts.

(3) Such other matters as the Assistant Secretary of Defense for Health Affairs considers appropriate.

(c) REPORTS ON ASSESSMENTS.—Not later than 30 days after completing an assessment under this section, the Assistant Secretary of Defense for Health Affairs shall submit to the congressional defense committees a report setting forth the results of such assessment.

**SA 1190.** Mrs. MURRAY 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 follow:

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



**SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

(a) DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.—

(1) IN GENERAL.—The Secretary of Defense shall use the laboratory network of the Department of Defense and work with the Secretary of Commerce and the Administrator of the Small Business Administration to encourage the development of innovative advanced technologies to address national security, and where appropriate, homeland security, and first responder challenges.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should make further progress in marshaling existing authorities in support of regional advanced technology clusters, while defining mechanisms to collaborate with, and leverage resources from the Department of Commerce and the Small Business Administration.

(b) DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for enhanced use of regional advanced technology clusters.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of clusters supported, technologies developed and products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters; and

(4) any additional required authorities and any impediments in supporting regional advanced technology clusters.

(d) COLLABORATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The designated lead from the Department of Defense office shall collaborate and share resources with other Federal agencies for purposes of assisting in the utilization and growth of regional advanced technology clusters under this section. Furthermore the Department of Defense will work with Department of Commerce and the Small Business Administration to develop methods to evaluate the effectiveness of technology cluster policies.

(2) INTERGOVERNMENTAL PERSONNEL ACT AGREEMENTS.—The Department of Defense shall utilize Intergovernmental Personnel Act agreements to provide for the temporary assignment of personnel between the Federal Government and State and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

(3) ACCESS TO DEPARTMENT OF DEFENSE FACILITIES.—The Secretary of Defense shall provide regional advanced technology clusters appropriate access to Department of Defense facilities.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) REGIONAL ADVANCED TECHNOLOGY CLUSTERS.—The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

**SA 1191.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriation for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follow:

At the end of title I of division A, add the following:

SEC. 1\_\_\_\_. (a) The Corps of Engineers is authorized to carry out any project—

(1) for which there is a signed report of the Chief of Engineers by the end of fiscal year 2012;

(2) that will be constructed according to the specifications of the Corps of Engineers; and

(3) for which, prior to authorization, the Chief of Engineers certifies that 100 percent of the cost of carrying out the project is contributed by a non-Federal entity or a group of non-Federal entities.

(b) A non-Federal entity or group of non-Federal entities described in subsection (a)(3) shall not receive any reimbursement for the cost of a project carried out under this section from the Federal Government.

**SA 1192.** 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 follow:

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 each 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 1193.** 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, 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 follow:

Strike section 341 and insert the following:

**SEC. 341. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.**

Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

**SA 1194.** Mr. BENNET 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 follow:

Strike section 1048 and insert the following:

**SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program**

“(a) DEFINITIONS.—In this section:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(2) HIGH-NEED SCHOOL.—The term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free or reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using data comparable to the data described in subparagraph (A) from the middle or elementary schools that feed into the high school;

“(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965; or

“(D) a school in which not less than 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(3) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’ includes a former member of the armed forces.

“(4) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(5) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (in this section referred to as the ‘Secretary’) may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career and technical education teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of highly qualified science, mathematics, special education, foreign language, or career and technical education teachers; or

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

“(B) in elementary schools or secondary schools, or as career and technical education teachers.

“(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling

and referral services to members of the armed forces who do not meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B).

“(d) ELIGIBILITY AND APPLICATION PROCESSES.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i) (I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least 6 years of active duty service, 6 years of service computed under section 12732 of this title, or 6 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(D) Any member who—

“(i) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151; or

“(ii) applied for the Troops to Teachers program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673 et seq.) and satisfied the eligibility criteria specified in section 2303(a), before the date of enactment of this section.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 3 years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a career and technical education teacher, the Secretary shall require the member—

“(I) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in

military education and training as certified by the Department of Defense; or

“(II) to otherwise meet the certification or licensing requirements for a career and technical education teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military experience in science, mathematics, special education, foreign language, or career and technical education subjects; and

“(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(B) may give priority to members who agree to seek employment in a high-need school.

“(5) OTHER CONDITIONS ON SELECTION.—

“(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years.

“(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical education teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment, to begin the school year after obtaining that certification or licensing, as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years with—

“(I) a local educational agency receiving grant funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

“(II) a public charter school (as such term is defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602)) residing in such a local educational agency; or

“(III) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)).

“(B) The Secretary may waive the 3-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career and technical education teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant in the Program selected under this section a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed \$5,000 and may vary by participant.

“(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years in a high-need school. Such bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

“(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

“(iii) The combination of stipend and bonus for any one participant may not exceed \$10,000.

“(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or career and technical education teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career and technical education teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical education teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”

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

“1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.”

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to such chapter.

(2) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under such chapter, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date on which the Secretary of Defense provides the appropriate committees of Congress with written notice that the Secretary of Defense has elected to administer the program in accordance with subsection (a), or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(f) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public

schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as amended by subsection (b)), as authorized prior to the enactment of this Act by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

**SA 1195.** 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.

**SA 1196.** Mr. FRANKEN 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 II, add the following:

**SEC. 262. REESTABLISHMENT OF REQUIREMENT FOR ANNUAL REPORTS ON DEPARTMENT OF DEFENSE EFFORTS AND PROGRAMS RELATING TO THE PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.**

Section 256(h)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3181; 10 U.S.C. 1071 note) is amended by inserting “and not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, and annually thereafter through 2014,” after “through 2008.”.

**SA 1197.** Mr. FRANKEN 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; as follows:

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

**SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.**

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

“(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

“(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

“(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

“(B) developing—

“(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

“(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

“(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

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

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

(3) by adding at the end the following: “(H) any information required to be included under the regulations issued under section 15(s).”.

**SA 1198.** Mrs. HUTCHISON (for herself, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. CORNYN) 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 28, strike lines 5 through 13 and insert the following:

(a) IN GENERAL.—The Secretary of the Air Force may not retire or prepare to retire any B-1 bomber aircraft until the date that is one year after the date on which the plan described in subsection (b) is received by the congressional defense committees.

On page 29, strike lines 11 through 23.

**SA 1199.** Mrs. HUTCHISON (for herself, Mr. BLUNT, Mr. MANCHIN, 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:

At the end of title I, add the following:

**Subtitle E—Army Programs**

**SEC. 171. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.**

(a) MAINTENANCE.—The Secretary of the Army shall maintain not less than 42 C-23 aircraft, of which not less than—

(1) 11 shall be available for the active component of the Army;

(2) 4 shall be available for training operations; and

(3) 22 shall be available for domestic operations in the continental United States.

(b) LIMITATION ON RETIREMENT.—The Secretary of the Army may not retire (or prepare to retire) any C-23 aircraft, or keep any such aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions, until the date that is one year after the date on which each report under subsections (c)(2), (d)(2), and (e)(2) has been received by the congressional defense committees.

(c) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—The Director of the National Guard Bureau, in consultation with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Contingency response.

(C) Natural disaster-related response.

(D) Humanitarian response.

(2) REPORT.—The Director shall submit to the congressional defense committees a report containing the study under paragraph (1).

(d) FLEET VIABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary of the Army, in coordination with the Director of the Fleet Viability Board of the Air Force, shall conduct a fleet viability assessment with respect to C-23 aircraft.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report containing the assessment under paragraph (1).

(e) GAO SUFFICIENCY REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (c)(1).

(2) REPORT.—Not later than 180 days after the date on which the Director of the National Guard Bureau submits the report under subsection (c)(2), the Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

**SA 1200.** Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. LIEBERMAN, Mr. WYDEN, and Mr. BLUMENTHAL) 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. SALE OF F-16 AIRCRAFT TO TAIWAN.**

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

(1) The Department of Defense, in its 2011 report to Congress on “Military and Security Developments Involving the People’s Republic of China,” found that “China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing’s terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-strait military forces and capabilities continues to shift in the mainland’s favor.” In this report, the Department of Defense also concludes that, over the next decade, China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing’s terms”.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan’s air force in an unclassified report, dated January 21, 2010. The DIA found that, “[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.” The report concluded, “Many of Taiwan’s fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force.”

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan “would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,” including 23,407 direct jobs, while “economic benefits would likely be realized in 44 states and the District of Columbia”.

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

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

(1) a critical element to maintaining peace and stability in Asia in the face of China’s two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China’s favor;

(4) China’s military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan’s air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan’s existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

**SA 1201** Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNETT, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms.

KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, 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:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE XVI—NATIONAL GUARD MATTERS**  
**SEC. 1601. REPORT ON NATIONAL GUARD EMPOWERMENT.**

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct of an independent study on the advisability of making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

(b) ELEMENTS.—The Secretary shall ensure that the independent study group conducting the study required by subsection (a) considers the near-term and long-range implications associated with making an advisor to the Secretary of the Air Force and the Secretary of the Army on matters relating to the reserve components of the Armed Forces a member of the Joint Chiefs of Staff. The study shall encompass, but not necessarily be limited to, the following considerations:

(1) The roles and functions of the Joint Chiefs of Staff.

(2) The roles and functions of the Army National Guard, the Air National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

(3) The roles and functions of the Chief of the National Guard Bureau.

(4) The effects on the principle of civilian control of the military and accountability in adding a member to the Joint Chiefs of Staff who is not subject to the oversight of a single appointed and confirmed Secretary of a military department.

(5) The precedent and potential long-term implications of adding a member to the Joint Chiefs of Staff who is not the chief of an Armed Force.

(6) The impact, if any, on the deliberations of the Joint Chiefs of Staff of including a member who has been recommended for appointment as the Chief of the National Guard Bureau by the governor of a State.

(7) The effects on the principles of unity of command and unity of effort for the Department of the Army and the Department of the Air Force.

(8) The potential for confusing lines of authority and representation under title 10, United States Code, already in place for the Chief of Staff of the Army and the Chief of Staff of the Air Force in meeting their responsibilities as members of the Joint Chiefs of Staff.

(9) The effects of altering the current statutory balance for representation by each branch of the Armed Forces on the Joint Chiefs of Staff by altering their statutory representation and the possible consequences for intra-service and inter-service integration, progress toward more effective

jointness, and efforts to improve interoperability.

(10) The findings and recommendations contained in the reports issued by the Commission on the National Guard and Reserves.

(11) The transition of the National Guard from a strategic reserve force to an operational reserve force for the All-Volunteer Force.

(12) Possible impacts on the other reserve components of the Armed Forces, including perceptions regarding the Chief of the National Guard Bureau having added responsibilities assigned as a member of the Joint Chiefs of Staff.

(13) The extent to which the existing statutory role of the Chief of the National Guard as advisor to the Secretary of Defense is sufficient for all matters involving nonfederalized National Guard forces.

(14) The qualifications of the Chief of the National Guard Bureau to provide requisite insight into all levels of strategic planning as a member of the Joint Chiefs of Staff, and the risk of diluting understanding in the Armed Forces of the principle of supporting and supported command relationships.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations in light of the results of the study as the Secretary considers appropriate.

**SA 1202.** Mr. UDALL of New Mexico (for himself and Mr. SCHUMER) 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. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

“(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the ‘Buy American Act’), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

“(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are installed on property or in a facility—

“(A) owned by the Department of Defense; or

“(B) leased to the Department of Defense;

or

“(C) with respect to which the Secretary of the military department concerned has exer-

cised any authority provided under subchapter IV of chapter 169 of this title (relating to alternative authority for the acquisition and improvement of military housing).

“(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term ‘photovoltaic devices’ means devices that convert light directly into electricity.

“(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into before, on, or after such date of enactment.”.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

**SA 1203.** 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 follow:

On page 65, strike lines 20 through 23 and insert the following:

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Section 2911(e)(2)(A) of title 10, United States Code, is amended by inserting “, including electricity and direct use” before the period at the end.

**SA 1204.** Mr. REED (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. LEAHY, and 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 follow:

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

**SEC. 723. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.**

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

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

(b) GRANTS.—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so

awarded shall be awarded using a competitive and merit-based award process.

(c) COMMUNITY PARTNERS.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) ACTIVITIES.—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) REQUIREMENT FOR MATCHING FUNDS.—

(1) REQUIREMENT.—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than \$3 for each \$1 of funds provided under the grant.

(2) NATURE OF NON-FEDERAL CONTRIBUTIONS.—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) APPLICATION.—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(1) A description how the activities proposed to be carried out with the grant will help improve collaboration and coordination on research initiatives, treatment, and education and outreach on mental health and substance use disorders and Traumatic Brain Injury among the Armed Forces.

(2) A description of existing efforts by the applicant to put the research described in (c)(1) into practice.

(3) If the application comes from multiple organizations and institutions, how the activities proposed to be carried out with the grant would improve coordination and collaboration among such organizations and institutions.

(4) If the applicant proposes to provide services or treatment to members of the Armed Forces or family members using grant amounts, reasonable assurances that such services or treatment will be provided by a qualified provider.

(5) Plans to comply with subsection (g).

(g) **EXCHANGE OF MEDICAL AND CLINICAL INFORMATION.**—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) **DISSEMINATION OF INFORMATION.**—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

(i) **REPORT.**—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs, and to Congress, a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the community partners awarded grants under the pilot program, the amount of grants so awarded, and the activities carried out using such grant amounts.

(2) A description of any research efforts advanced using such grant amounts.

(3) The number of members of the National Guard and Reserves provided treatment or services by community partners using such grant amounts, and a summary of the types of treatment and services so provided.

(4) A description of the education and outreach activities undertaken using such grant amounts.

(5) A description of efforts to exchange clinical information under subsection (g).

(6) A description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury.

(7) Such recommendations as the Secretary of Defense considers appropriate in light of the pilot program on the utilization of organizations and institutions such as community partners under the pilot program in efforts of the Department described in subsection (a).

(8) A description of the metrics used by the Secretary in making recommendations under paragraph (7).

(j) **AVAILABLE FUNDS.**—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

(k) **DEFINITIONS.**—In this section, the terms “family member” and “caregiver”, in the case of a member of the National Guard or Reserves, have the meaning given such terms in section 1720G(d) of title 38, United States Code, with respect to a veteran.

**SA 1205.** 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 subtitle C of title VI, add the following:

**SEC. 634. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RETIRED MEMBERS OF THE RESERVES ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.**

(a) **ELIGIBILITY FOR NON-REGULAR SERVICE RETIRED PAY.**—Section 12731(f)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “Ready Reserve” and inserting “Reserves”; and

(2) in subparagraph (B)(i), by inserting “or section 688a” after “section 12301(d)”.

(b) **RETROACTIVE EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted.

**SA 1206.** Mrs. BOXER (for herself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. AKAKA, Mr. FRANKEN, and Mr. BROWN of Ohio) 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:

Strike section 842 of division A and insert the following:

**SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.**

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

“(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.”.

**SA 1207.** Mr. COBURN (for himself, Mr. LEVIN, and 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 G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **ASSESSMENT REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the

programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) **PRELIMINARY REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) **BRIEFINGS.**—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

**SA 1208.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading “ENERGY EFFICIENCY AND RENEWABLE ENERGY”, before the period at the end, insert “: Provided further, That, within available funds under this heading, the Secretary of Energy shall use not less than \$20,000,000 for the Energy Innovation Hub for Critical Materials, including research focused on rare earths, rare earth substitutes, and related materials, on refining, recycling, minimizing, and alloying rare earths and related materials, and on use of rare earths and related materials in electronics, energy, and information and related technologies and systems”.

**SA 1209.** Mr. NELSON of Florida 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. \_\_\_\_ . REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) **REPEAL.**—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2),”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

**SA 1210.** Mr. NELSON of Florida 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 X, add the following:

**SEC. 1024. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.**

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

**SA 1211.** Mrs. GILLIBRAND (for herself and 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 H of title V, add the following:

**SEC. 577. SUPPORT FOR NATIONAL GUARD COUNSELING AND REINTEGRATION SERVICES.**

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to a State National Guard to support programs to provide pre-deployment and post-deploy-

ment outreach, reintegration, and readjustment services to the following persons:

(1) Members of reserve components of the Armed Forces who reside in the State or are members of the State National Guard regardless of place of residence and who are ordered to active duty in support of a contingency operation.

(2) Members described in paragraph (1) upon their return from such active duty.

(3) Veterans (as defined in section 101(2) of title 38, United States Code).

(4) Dependents of persons described in paragraph (1), (2), or (3).

(b) ELEMENTS OF PROGRAMS.—Programs supported under subsection (a) shall use direct person-to-person outreach and other relevant activities to ensure that eligible persons receive all the services and support available to them during pre-deployment, deployment, and reintegration periods.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific State National Guard under subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(d) STATE DEFINED.—In this section, the term “State” means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) FUNDING.—

(1) FUNDS AVAILABLE.—The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army National Guard as specified in the funding table in section 4301 is hereby increased by \$70,000,000, with the amount of the increase to be available for assistance authorized by this section.

(2) OFFSETS.—(A) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 is hereby reduced by \$33,400,000, with the amount of the reduction to be allocated to amounts otherwise available for the Army for recruiting and advertising.

(B) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Navy as specified in the funding table in section 4301 is hereby reduced by \$16,200,000, with the amount of the reduction to be allocated to amounts otherwise available for the Navy for recruiting and advertising.

(C) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Marine Corps as specified in the funding table in section 4301 is hereby reduced by \$11,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Marine Corps for recruiting and advertising.

(D) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 is hereby reduced by \$8,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Air Force for recruiting and advertising.

**SA 1212.** 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 B of title V, add the following:

**SEC. 515. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 116. State Partnership Program**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the De-

partment of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of a foreign country.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

**SA 1213.** 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. SENSE OF CONGRESS ON THE IMPORTANCE OF COMBATING CERTAIN THREATS AGAINST MILITARY UNITS AND FACILITIES IN THE UNITED STATES.**

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

(1) Improvised Explosive Devices (IEDs) and Vehicle Born Improvised Explosive Devices (VBIEDs) are being increasingly employed by terrorists and other adversaries against our forces around the world.

(2) The IED and VBIED will continue to be a threat even after the current operations in Iraq and Afghanistan are complete.

(3) Terrorist organizations, hybrid threat organizations, and other adversaries plan to use IEDs and VBIEDs against our military units and facilities within the United States.

(4) Such a strategy would degrade our ability to project forces to respond to contingencies around the world.

(5) The Joint Improvised Explosive Defeat Organization (JIEDDO) has proven to be very effective at combating the threat to our military overseas in support of our combatant commanders.

(6) The success of JIEDDO is based on its methodology of defeat the device, attack the enemy networks, and train friendly forces; its broad authority to hasten innovations to the combat units; and its ability to fuse intelligence from across the intelligence community.

(7) JIEDDO’s methodology could be leveraged by utilizing its intelligence fusion capability and its training capability against threats within the United States.

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

(1) the Department of Defense should leverage JIEDDO’s capability and authority to combat terrorist organizations targeting the Armed Forces and facilities in the United States; and

(2) the Department of Defense should look at expanding JIEDDO’s mandate to allow it to cooperate with agencies responsible for the protection of the United States, including the Department of Homeland Security, U.S. Customs and Border Protection, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Federal, State, and local law enforcement.

**SA 1214.** Ms. SNOWE (for herself, Ms. COLLINS, Mrs. MURRAY, Ms. MIKULSKI, and Mr. CARDIN) 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 A of title VII, add the following:

**SEC. 705. INTEGRATED CARE MANAGEMENT OPTIONS UNDER THE UNIFORMED SERVICES FAMILY HEALTH PLAN.**

(a) REPORT ON STRATEGY FOR INTEGRATED CARE MANAGEMENT OPTIONS.—

(1) IN GENERAL.—Not later than June 1, 2012, the Secretary of Defense shall, in conjunction with the Secretary of Health and Human Services and the designated providers under the uniformed services family health plan (USFHP), submit to Congress a report setting forth a strategy for providing integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C.1073 note), without regard to the amendments made by section 703 of this Act, utilizing appropriate elements of the uniformed services family health plan, TRICARE for Life, and the Medicare program.

(2) ELEMENTS.—The strategy required by this subsection shall include the following:

(A) Mechanisms for ensuring an adequate population base to sustain the uniformed services family health plan, including the termination of restrictions on enrollment of covered beneficiaries under the age of 65 if considered feasible for that purpose.

(B) Mechanisms (including the utilization of demonstration projects currently authorized by law) to permit covered beneficiaries who are also eligible for the Medicare program to receive integrated and coordinated care through the uniformed services family health plan, including mechanisms—

(i) to secure greater continuity of care for such beneficiaries who also have access to health care benefits through TRICARE for Life;

(ii) to improve coordination and integration of health care management for such beneficiaries who also have access to health care benefits through TRICARE for Life; and

(iii) to utilize innovative care management strategies to improve quality and health outcomes, and reduce unneeded utilization of health care services on a long-term, sustainable basis.

(C) Specific actions for the Department of Defense, and other departments and agencies of the Federal Government, to carry out the strategy.

(D) Specific milestones to evaluate progress in carrying out the actions specified under subparagraph (C), and to determine accountability for meeting such milestones.

(E) An identification of current authorities to be used in carrying out the strategy, and a description of any additional authorities considered advisable to carry out the strategy.

(b) REPORT ON ACTIONS REGARDING INTEGRATED CARE MANAGEMENT OPTIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in conjunction with the Secretary of Health and Human Services, submit to the President and Congress a report that describes the activities and efforts of the Department of Defense and the Department of Health and Human Services in developing and evaluating integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997, without regard to the amendment made by section 703 of this Act, through the uniformed services family health plan, in conjunction with TRICARE for Life and the Medicare program.

(c) MODIFICATION OF EFFECTIVE DATE OF TRANSITION ENROLLMENT LIMITATIONS.—Notwithstanding the effective date of September 30, 2011, otherwise specified in paragraph (2) of section 724(e) of the National Defense Au-

thorization Act for Fiscal Year 1997, as added by section 703(2) of this Act, the effective date of such paragraph shall be the later of—

(1) the date of the submittal to Congress of the report required by subsection (b) of this section; or

(2) the date that is one year after the date of the enactment of this Act.

**SA 1215.** Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) 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 B of title XII, add the following:

**SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVED EXPLOSIVE DEVICES.**

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

**SA 1216.** 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)—

(i) by striking “which sponsor individual registries of pathology at the Armed Forces Institute of Pathology” and inserting “that

support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; 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) in paragraph (1), by striking “enter into contracts with the Armed Forces Institute of Pathology” and inserting “enter into contracts with any executive agency that provides medical or pathology services to military personnel or military organizations or that conducts research, education, or consultation in the field of military medicine”; and

(B) in paragraph (4), by inserting “and Repositories of Pathology” after “Registries of Pathology”; and

(3) in subsection (d), by striking “to the Director and the Board of Governors of the Armed Forces Institute of Pathology and to the sponsors” and inserting “to its Board and supporting organizations”.

**SA 1217.** Mr. TESTER 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. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.**

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking “in any fiscal year” and inserting “in any two consecutive fiscal years”.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted.

**SA 1218.** Mr. TESTER 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 X, add the following:

**SEC. 1080. REPORT ON EXTENSION OF AUTHORITY FOR USE OF COMMISSARY AND EXCHANGE STORES TO VETERANS WITH CERTAIN SERVICE-CONNECTED DISABILITIES.**

(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 appropriate committees of Congress a report setting forth an assessment of the feasibility and advisability of permitting each category of veterans specified in subsection (b) to use the commissary and exchange stores of the Department of Defense on the same basis as veterans with service-

connected disabilities rated as 100 percent disabling. For each category of veterans the report shall set forth the following:

(1) An estimate of the cost of permitting such category of veterans access to commissary and exchange stores.

(2) An estimate of the number of veterans in such category likely to use the commissary and exchange stores if permitted access.

(3) An assessment of the effects on the services and operations of the commissary and exchange stores of the use of such stores by such category of veterans.

(b) CATEGORIES OF VETERANS.—The categories of veterans specified in this subsection are the following:

(1) Veterans with service-connected disabilities rated as 70 percent or more disabling.

(2) Veterans with service-connected disabilities rated as 50 percent or more disabling.

(3) Veterans with service-connected disabilities rated as 30 percent or more disabling.

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

(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SA 1219.** 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 subtitle B of title V, add the following:

**SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.**

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

“§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

“(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor’s request.

“(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

“(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

“12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.”.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting “12304b,” after “12304.”.

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

**SA 1220.** 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 C of title VIII, add the following:

**SEC. 848. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.**

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the De-

partment of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

**SA 1221.** Mr. LEVIN proposed an amendment to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; as follows:

On page 2, line 10, insert “and” after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

**SEC. 2. CONGRESSIONAL TESTIMONY.**

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

**SA 1222.** Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 3321, 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; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “America’s Cup Act of 2011”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) 34TH AMERICA’S CUP.—The term “34th America’s Cup”—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America’s Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America’s Cup, includes additional sailing competitions conducted by America’s Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA’S CUP RACE MANAGEMENT.—The term “America’s Cup Race Management” means the entity established to provide for independent, professional, and neutral race management of the America’s Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term “Eligibility Certification” means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term “eligible vessel” means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America’s Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America’s Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term “supporting vessel” means a vessel that is operating in support of the 34th America’s Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

**SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.**

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America’s Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

**SEC. 4. CERTIFICATION.**

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

**SEC. 5. ENFORCEMENT.**

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America’s Cup as a competing vessel or a supporting vessel.

**SEC. 6. PENALTY.**

Any vessel participating in the 34th America’s Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

**SEC. 7. WAIVERS.**

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

**SA 1223.** Mr. LEVIN (for Mr. BINGAMAN (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; as follows:

On page 15, line 14, strike “establish” and insert “carry out”.

On page 17, strike lines 15 through 19.

On page 17, line 21, strike “establish” and insert “carry out”.

On page 21, strike lines 12 through 16.

On page 29, after line 23, add the following:

**SEC. 9. REPEAL.**

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

On page 30, line 1, strike “9” and insert “10”.

**SA 1224.** Mrs. MURRAY 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:

Strike section 702.

**SA 1225.** Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) 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 all documentary evidence relating to sexual assaults for the same length of time investigative records relating to sexual assaults are required to be retained.

**SA 1226.** Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2 \_\_\_\_ . None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project authorized as of the date of enactment of this Act unless the Secretary of the Interior, not later than 30 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

#### NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 2076 and S. 1793, a bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes, dated November 17, 2011.

I, Senator RON WYDEN, intend to object to proceeding to S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes, dated November 17, 2011.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, "Safe Chemicals Act."

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

##### COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m., in 215 Dirksen Senate Office Building.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Americans with Disabilities Act and Accessible Transportation Challenges and Opportunities" on November 17, 2011, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 17, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 17, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m.

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

##### SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Tourism in America: Moving our Economy Forward."

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

##### SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on November 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "NASA's Human Space Exploration: Direction, Strategy, and Progress."

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

#### PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that CPT Michael Lynch, a U.S. Army aviation officer who is currently serving as a defense fellow in Senator REID's office, be granted floor privileges for the duration of the National Defense Authorization Act for 2012.

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

Mr. McCAIN. Mr. President, I ask unanimous consent that my legislative fellow, Navy LCDR Joe Ruzicka, be granted floor privileges for the duration of debate on the 2012 National Defense Authorization Act.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to LT Shane Knisley, a Navy fellow serving in my office, during the pendency of S. 1867, the Fiscal Year 2012 National Defense Authorization Act.

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

Mr. WICKER. Mr. President, I ask unanimous consent that LCDR Ted Essenfeld, a very capable Navy fellow in my office, be granted floor privileges during consideration of the Defense authorization bill.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Shannon Gorrell, a Defense fellow in my office, be granted the privileges of the floor for the duration of the debate on this bill.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that my defense fellow, MAJ Kevin Hadley, be given floor privileges during the consideration of this bill.

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

#### JUDICIAL CONFERENCE AUTHORITY

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 232, H.R. 1059.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which