

SA 3169. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3170. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3171. Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BARRASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3173. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3174. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3176. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3177. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3178. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3179. Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3180. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3181. Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3182. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3183. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3184. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3185. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3186. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3187. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3019.** Mr. AKAKA submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”.

**SA 3020.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 941 and insert the following:

**SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) **AUTHORITY TO ESTABLISH.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section: “**SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

“(a) **ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) **NATIONAL SECURITY EDUCATION BOARD.**—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) **MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

“(d) **TRAINING.**—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) **SERVICE.**—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) **FUNDING.**—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps.

Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”.

(b) **NATIONAL SECURITY EDUCATION BOARD MATTERS.**—

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

(A) by striking paragraph (5);

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

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

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

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

(2) **FUNCTIONS.**—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including proposing regulations to carry out that section.

“(10) Assess on a periodic basis the needs identified by the departments and agencies of the Federal Government for personnel with skills in various foreign languages.

“(11) Recommend plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government.

“(12) Recommend effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills.

“(13) Advise on the coordination of activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.”.

**SA 3021.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. GRANTS FOR TRAINING OF VETERANS WHO OWN SMALL BUSINESSES ON APPLYING FOR FEDERAL CONTRACTS.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may award a grant to a non-profit organization to assist such organization in providing training to a veteran who is an owner of a small business concern on how to apply for and win a contract with the Federal Government.

(b) **MAXIMUM AMOUNTS.**—

(1) **IN GENERAL.**—The total amount of grants awarded under subsection (a) may not exceed \$1,000,000.

(2) **INDIVIDUAL GRANT AMOUNTS.**—A grant awarded under subsection (a) may not exceed \$200,000.

(c) **MATCHING FUNDS.**—The Secretary may award a grant under subsection (a) to a non-profit organization to conduct training only if the organization agrees to make contributions toward the cost of conducting such training, from non-Federal sources, in an amount equal to not less than the amount of the grant.

(d) **SMALL BUSINESS CONCERN DEFINED.**—In this section, the term “small business concern” has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

**SA 3022.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 405, line 4, strike “Section” and insert the following:

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

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) **EXTENSION OF AUTHORITY.**—Section

**SA 3023.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, line 3, add at the end the following: “Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.”.

**SA 3024.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 6 and 7, insert the following:

(f) **APPLICABILITY TO COAST GUARD.**—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

**SA 3025.** Mr. CARDIN (for himself, Mr. AKAKA, Ms. MIKULSKI, Mr. BEGICH, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 341 and insert the following:  
**SEC. 341. CIVILIAN AND CONTRACT SERVICES WORKFORCE BALANCE.**

(a) **IN GENERAL.**—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

**SA 3026.** Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. STANDARD OF PROOF FOR SERVICE-CONNECTION OF POST-TRAUMATIC STRESS DISORDER AND MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.**

(a) **STANDARD OF PROOF.**—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsections:

“(c)(1) The Secretary shall accept as sufficient proof of service-connection of post-traumatic stress disorder alleged to have

been incurred in or aggravated by service in the active military, naval, or air service a diagnosis of post-traumatic stress disorder by a mental health professional together with written testimony by the veteran of such incurrence or aggravation and a written determination by the professional that such disorder is related to the veteran’s service, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

“(2) Service-connection of post-traumatic stress disorder may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran’s disability available to the veteran.

“(d)(1) The Secretary shall accept as sufficient proof of service-connection of covered mental health conditions alleged to have been incurred or aggravated by military sexual trauma experienced during service in the active military, naval, or air service a diagnosis of such mental health condition by a mental health professional together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran’s service and a written determination by the professional that such mental health condition is related to such trauma, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of the incurrence of such trauma in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

“(2) Service-connection of covered mental health conditions under this subsection may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran’s disability available to the veteran.

“(3) In this subsection:

“(A) The term ‘covered mental health conditions’ means post-traumatic stress disorder, anxiety, depression, or other mental health conditions that the Secretary determines to be related to military sexual trauma.

“(B) The term ‘military sexual trauma’ means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training.”.

(b) **EFFECTIVE DATE.**—Subsections (c) and (d) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

**SA 3027.** Mr. TESTER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 643. 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 3028.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

**“§ 111A. Transportation of individuals to and from Department facilities**

“(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.”.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.” before “The Secretary”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

**SA 3029.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2844. 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 con-

clusions 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 employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) 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 to the extent that such transportation 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 3030.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 704. 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 3031.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2824. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.**

Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.—Electric energy produced by non-combustion, distributed generation technologies shall have the same standing as electric energy from renewable sources for the purpose of achieving the Department of Defense goal to meet electricity needs established under subsection (e).”.

**SA 3032.** Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 344. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.**

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“SEC. 2336. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.**

“(a) IN GENERAL.—(1) The Secretary concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement serves the interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

“(2) Notwithstanding any other law, such an agreement—

“(A) may be entered into on a sole source basis;

“(B) may be for a term not to exceed five years;

“(C) may utilize, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government; and

“(D) may only be utilized when the Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

“(b) EFFECT ON FIRST RESPONDER ARRANGEMENTS.—The authority provided by this section and limitations on its use do not revoke, preclude, or otherwise interfere with existing or proposed mutual aid agreements

relating to police or fire protection services or other similar first responder agreements or arrangements.

“(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any year may be paid from annual appropriations for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘installation-support services’ means those services, supplies, resources, and support typically provided by a State or local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security-guard or fire-fighting functions.

“(2) The term ‘local government’ includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

“(3) The term ‘State’ means the several states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.”.

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

“Sec. 2336. Intergovernmental support agreements with State and local governments.”.

**SA 3033.** Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3136. REPORT ON FEASIBILITY, COST, AND ADVISABILITY OF REUSING PITS IN NUCLEAR WARHEADS.**

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

(1) A key concept of the proposed interim plutonium pit strategy of the National Nuclear Security Administration is to reuse existing pits to supplement the 20 to 30 pits per year that the Administration asserts may be manufactured at Los Alamos National Laboratory, given extensive modifications to current facilities.

(2) Dr. Charles McMillan, director of the Los Alamos National Laboratory, testified before Congress on April 18, 2012, that “the extensive work required to convert these concepts into systems that could be certified is yet to be done”. Dr. McMillan elaborated that “we must do the scientific work to further understand the effects of aging and to provide modern safety, safety that starts [with insensitive] high explosive systems. If we choose this path, it will require an investment over the next 5 to 10 years.”.

(3) Pit lifetime is another critical aspect of the proposed interim plutonium strategy. The National Nuclear Security Administration has confidence that pits will last up to

100 years. Yet, Dr. Siegfried Hecker, former director of Los Alamos National Laboratory and a leading plutonium metallurgist, was quoted on July 17, 2012, as saying, “We have never done enough of those [plutonium lifetime] experiments that would make me feel more comfortable with plutonium lifetimes in pits. So as far as I’m concerned, we still haven’t demonstrated that these pits can last 50, 60, 80 or 100 years as some people claim.”.

(4) Regarding the performance of older pits, a 2007 report by the private scientific advisory group known as JASON suggested that “there must be a more detailed understanding of the different types of dynamic strengths involved in the weapons codes, and then a more complete understanding of how these strengths vary with aging through relevant experimental and theoretical work. This is fundamentally difficult . . . New experiments should be carried out on both naturally and artificially aged [plutonium].”.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy and the Secretary of Defense shall jointly submit to the congressional defense committees a report on the feasibility, cost, and advisability of reusing pits in nuclear warheads that includes the following:

(1) An assessment of the technical work and experimentation that needs to be done to determine whether or not pit reuse is likely to be a successful strategy that leads to the certification of the safety, security, and reliability of nuclear warheads using those pits and the schedule and cost for that work and experimentation.

(2) A description of the criteria that must be met to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an estimate of the time at which the National Nuclear Security Administration anticipates having sufficient data to make such a determination.

(3) A description of the experiments that have been performed to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an assessment of the results of those experiments.

(4) An assessment of how pursuing pit reuse increases the cost and complexity of life extension programs and program planning by the National Nuclear Security Administration and the effect of pursuing pit reuse on the safety, security, and reliability of nuclear warheads.

(5) An assessment of the extent to which pursuing pit reuse, as opposed to manufacturing new pits, limits the incorporation of enhanced safety and security features into life extension programs and limits improvements to the performance margin in such programs.

(6) A description of the technical process for and cost of—

(A) requalifying an existing pit for reuse with a weapon for which it was designed; and

(B) requalifying an existing pit for reuse with a weapon for which it was not designed.

(7) An assessment of the extent which the Nuclear Weapons Council has reviewed the processes described in paragraph (6) and the results of any such reviews.

(8) An explanation for the difference between the assessment of the National Nuclear Security Administration with respect to the lifetime of pits and the assessment of Dr. Siegfried Hecker described in subsection (a)(3).

(9) An assessment of the work that has been done by the national security laboratories of the Department of Energy or by other entities with respect to pit aging since 2007 and the results of that work.

(10) An assessment of the anticipated level of confidence of the Secretary of Energy and

the Secretary of Defense with respect to experiments to artificially age plutonium and any concerns that there may be differences between natural and artificial aging of plutonium.

(11) An assessment of experiments that have been performed to understand the performance of older pits across the full stockpile-to-target sequence of nuclear warheads, including in highly dynamic environments, and the results of those experiments.

(12) A statement of the military requirement for pit production to have a responsive infrastructure capable of rapidly responding to technical or geopolitical strategic surprises.

**SA 3034.** Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1710 and insert the following:

**SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.**

The Secretary of the Air Force shall retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

**SA 3035.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1032. REPORT ON TRANSFER TO THE GOVERNMENT OF AFGHANISTAN OF ENEMY COMBATANTS DETAINED BY THE UNITED STATES IN AFGHANISTAN.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The policy of the United States on the disposition of Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(2) The policy of the United States on the disposition of non-Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(3) The policy of the United States on the disposition of high-risk enemy combatants

captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(4) A plan for the transfer of high-risk enemy combatants described in paragraph (3) from detention facilities in Afghanistan under the control of the United States after December 31, 2014.

(5) An assessment of the extent to which the Government of Afghanistan will provide continuing and enduring support to the criminal justice system of Afghanistan for purposes of maintaining the rule of law in Afghanistan after December 31, 2014.

(b) DEFINITIONS.—In this section:

(1) The term “detention facilities in Afghanistan under the control of the United States” means facilities in Afghanistan established to hold persons consistent with the law of war and international humanitarian law, including Additional Protocol II of 1977 to the Geneva Convention of 1949.

(2) The term “enemy combatant” means an individual who—

(A) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(B) is a member of, part of, or operated in a clandestine, covert, or military capacity on behalf of the Taliban, al Qaeda, or associated forces.

(3) The term “high-risk”, with respect to an enemy combatant, means that the transfer of the enemy combatant to the Government of Afghanistan would create unacceptable national security risks to the United States and its coalition partners.

**SA 3036.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

**SA 3037.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 601 and insert the following:

**SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.**

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

“(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States, or to a member of the Air National of the United States, shall not be changed upon the transition of the member from full-time National Guard duty to active duty unless the transition—

“(i) occurs with a break in active service; or

“(ii) results in a permanent change of station and shipment of household goods.

“(B) For purposes of subparagraph (A)(i), a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”

**SA 3038.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 3039.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 3040.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3041.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3042.** Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

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

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of “irreversible transition” of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of “sufficient and capable” Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that “we’re willing to sacrifice a lot for this campaign, but we’re not willing to be murdered for it”, in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a “very serious threat to the campaign” and stated that “something has to change” to rectify the situation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security

contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

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

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

**SA 3043.** Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill

S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

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

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of “irreversible transition” of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of “sufficient and capable” Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that “we’re willing to sacrifice a lot for this campaign, but we’re not willing to be murdered for it”, in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a “very serious threat to the campaign” and stated that “something has to change” to rectify the situation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

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

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

**SA 3044.** Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of

any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

**SA 3045.** Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

**SA 3046.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE UNIFORMED SERVICES.**

(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 TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

“(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child.

“(c) NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

“(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

“(e) DEPLOYMENT DEFINED.—In this section, the term ‘deployment’ means the move-

ment or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(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 3047.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 643. 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, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3048.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 643. 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, 2013, and shall apply to payments for months beginning on or after that date.

**SEC. 644. 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 643(a) of this Act, 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, 2013, and shall apply to payments for months beginning on or after that date.

**SEC. 645. 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, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3049.** Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. SCHUMER,

Ms. SNOWE, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

(a) **ESTABLISHMENT OF REGISTRY.**—Not later than 270 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 airborne 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 airborne 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 airborne chemicals and fumes caused by open burn pits.

(b) **REPORT TO CONGRESS.**—

(1) **REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.**—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) 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.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) **SUBMITTAL TO CONGRESS.**—

(A) **INITIAL REPORT.**—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) **FOLLOW-UP REPORT.**—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans

Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(3) **COOPERATION BY SECRETARY OF DEFENSE.**—

(A) **IN GENERAL.**—The Secretary of Defense shall cooperate with the Secretary of Veterans Affairs and the organization with whom the Secretary of Veterans Affairs enters into an agreement under paragraph (1) in the preparation of the reports required by such paragraph.

(B) **PROVISION OF DATA.**—In cooperating as required by subparagraph (A), the Secretary of Defense shall provide the Secretary of Veterans Affairs and the organization described in such subparagraph with any and all data that is possessed or obtainable by the Secretary of Defense that is relevant to the preparation of the reports required by 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 3050.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a detailed assessment of the risk posed by such change in levels to the United States mission and interests in Afghanistan.

(b) **ELEMENTS.**—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan resulting from such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan resulting from such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States military capabilities, operations, and objectives in Afghanistan resulting from such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SA 3051.** Mr. MCCAIN (for himself, Mr. PORTMAN, Mr. WEBB, Mr. INHOFE, Ms. AYOTTE, Mr. BROWN of Massachusetts, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **ADDITIONAL PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) **PURPOSE.**—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) **CONSULTATION.**—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) **FUNDING.**—

(1) **BUDGET REQUESTS.**—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel

under the Marine Corps Security Guard Program as a result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

**SA 3052.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize ap-

propriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.**

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

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

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—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 the results of the review required under subsection (a).

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

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

**SA 3053.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNNS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. TRANSFER OF EXCESS AIRCRAFT FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture for use by the Forest Service for wildfire suppression purposes. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service as a suitable platform for wildfire suppression missions;

(B) subject to paragraph (2), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(2) LIMITATION ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for purposes of this subsection if such aircraft are expressly prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture shall be afforded a priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”

**SA 3054.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1024. NOTICE TO CONGRESS AND WAIT ON PROPOSALS TO NAME NAVAL VESSELS.**

Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.”

**SA 3055.** Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 585. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.**

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on

the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

**SA 3056.** Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 216. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Section 2374a(f) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2014”.

**SA 3057.** Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON FOREIGN AREA OFFICER PROGRAM.**

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study and submit to the congressional defense committees a report on the Foreign Area Officer program and implications of the strategic rebalance to the Asia-Pacific region.

(b) MATTERS COVERED.—The study and report required under subsection (a) shall cover the following matters:

(1) The number of military personnel in the Foreign Area Officer program by country and service in each combatant commander’s area of responsibility.

(2) The number of women and minorities within the Foreign Area Officer Program.

(3) Planned actions to address the 30 percent shortage of Foreign Area Officer personnel fill rates in the United States Pacific Command, the United States Africa Command, and the United States Special Operations Command.

(4) A forecast of future Foreign Area Officer requirements.

(5) A listing of the Department of Defense programs with objectives similar to the Foreign Area Officer program and a discussion of how they complement or are distinct from the Foreign Area Officer program.

(6) Planned actions to ensure Foreign Area Officers maintain the skills acquired through the program when serving in a non-Foreign Area Officer capacity, including language skills, cultural understanding, and regional knowledge.

(7) Planned actions in creating a Foreign Area Officer Reserve Corps across all services that is fully trained and capable of carrying out Foreign Area Officer missions.

(8) A description of mechanisms that the Department of Defense utilizes to maintain a connection to Foreign Area Officer program alumni and a discussion on the effectiveness of each mechanism.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall include recommendations for any legislation necessary to enhance the Foreign Area Officer program in support of the newly articulated rebalance to the Asia-Pacific.

**SA 3058.** Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. MENENDEZ, Mr. SANDERS, Mr. AKAKA, Ms. MIKULSKI, Mr. LEAHY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.**

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

“**§ 1077a. Treatment of autism under the TRICARE program**

“(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) REQUIREMENTS IN PROVISION OF SERVICES.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) CONSTRUCTION WITH OTHER BENEFITS.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) **FUNDING.**—

(1) **INCREASE.**—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$30,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$30,000,000.

**SA 3059.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

**SA 3060.** Mr. TOOMEY (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. PILOT PROGRAM ON PROVIDING VETERANS WITH ACCESS AT ONE-STOP CENTERS TO INTERNET WEBSITES TO FACILITATE ONLINE JOB SEARCHES.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall commence a pilot program to assess the feasibility and advisability of providing veterans seeking employment with access to computing facilities to facilitate the access of such veterans to Internet websites that—

(1) match such veterans with available jobs based on the skills the veterans acquired as members of the Armed Forces; and

(2) allow employers to post information about available jobs.

(b) **DURATION.**—The pilot program required by subsection (a) shall be carried out during the one-year period beginning on the date on which the Secretary commences the pilot program.

(c) **LOCATIONS.**—The pilot program shall be carried out at such one-stop centers and such other locations as the Secretary of Labor considers appropriate for purposes of the pilot program.

(d) **ASSISTANCE WITH USE OF INTERNET WEBSITES.**—

(1) **IN GENERAL.**—Under the pilot program, the Secretary of Labor shall provide each veteran using computing facilities made available under the pilot program with assistance in using such facilities to find employment via Internet websites described in subsection (a).

(2) **DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.**—Each State that employs a disabled veterans' outreach program specialist under section 4103A of title 38, United States Code, or a local veterans' employment representative under section 4104 of such title shall make such employees available to the Secretary of Labor for purposes of providing assistance under paragraph (1).

(e) **REPORT.**—Not later than 455 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives a report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing computing facilities as described in subsection (a) with assistance as described in subsection (d) at all one-stop centers.

(f) **FUNDING.**—Amounts made available to the Secretary of Labor to make grants or contracts under section 4102A(b)(5) of title 38, United States Code, shall be available to the Secretary to carry out the pilot program required by subsection (a).

(g) **ONE-STOP CENTER DEFINED.**—In this section, the term “one-stop center” means a center described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)).

**SEC. 1085. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY SECRETARY OF VETERANS AFFAIRS ON USE OF AUTHORITIES TO ENHANCE RETENTION OF EXPERIENCED NURSES.**

(a) **IN GENERAL.**—Section 7324 of title 38, United States Code, is hereby repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7324.

**SA 3061.** Mr. TOOMEY submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, insert the following:

**SEC. 1246. CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act may be made used for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty signed at Washington, D.C., on March 26, 1979.

(b) **WAIVER.**—The President may waive the limitation in subsection (a) if the President certifies to Congress in writing that the waiver is in the national security interests of the United States.

**SA 3062.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

**SA 3063.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1536. SENSE OF SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR IN THE WITHDRAWAL OF FORCES FROM AFGHANISTAN.**

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

(1) The United States is a Nation of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis.

(b) SENSE OF SENATE.—The Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of their fellow Americans;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that "I will never leave a fallen comrade"; and

(4) believes that, while the United States is beginning the strategic withdrawal of forces from Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

**SA 3064.** Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) CONTENT.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

**SA 3065.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 735. SUBMITTAL TO CONGRESS OF REPORT OF INTERAGENCY TASK FORCE ON MILITARY AND VETERANS MENTAL HEALTH.**

The Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to the congressional defense committees the report of the Interagency Task Force on Military and Veterans Mental Health, established pursuant to section 6 of Executive Order 13625 (77 Fed. Reg. 54783), of which they are the co-chairs, not later than 30 days after the final publication of the report.

**SA 3066.** Mr. TOOMEY submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.**

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as "G readiness" and "G tolerance").

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

**SA 3067.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

**SA 3068.** Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 146. SALE OF F-16C/D MULTIROLE FIGHTER AIRCRAFT TO TAIWAN.**

The President shall carry out the sale of not fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

**SA 3069.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

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

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans’ Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA’s transformation to better serve Veterans.”

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future.

(B) A plan for the Secretary to partner with non-Federal entities, and when appropriate, provide financial support to non-Federal entities, to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to

help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

**SA 3070.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. CERTIFICATE OF DOCUMENTATION FOR DRY DOCK.**

(a) REQUIREMENT TO ISSUE.—Notwithstanding sections 12103, 12105, 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade in the United States for Dry Dock 17 (formerly USN-YFD-17).

(b) NOTIFICATION OF TRANSFER OF OWNERSHIP.—A dry dock issued a certificate of documentation under subsection (a) shall submit to Congress a notification of any proposed transfer of ownership of such dry dock not later than 120 days prior to the date of such proposed transfer.

**SA 3071.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) RESEARCH STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry a research program on resilience in members of the Army.

(2) PURPOSE.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

(f) FUNDING.—Of the amounts authorized to be appropriated for each of fiscal years 2013 and 2014 for the Working Capital Fund, Army, not more than \$6,000,000, shall be available in such fiscal year to carry out the research study.

**SA 3072.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed

Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**SA 3073.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENT 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.—This section 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 3074.** Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. ACCEPTANCE AND USE OF NON-FEDERAL AMOUNTS FOR NAVIGATION PROJECTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army, acting through the Chief of Engineers, may accept and use non-Federal amounts to construct a navigation project that has not been specifically authorized by an Act of Congress if—

(1) the Secretary has received a completed report of the Chief of Engineers for the project;

(2) the project will be constructed according to the specifications of the Corps of Engineers; and

(3) the project is funded by non-Federal sources using non-Federal amounts.

(b) DURATION.—The authority provided under subsection (a) applies only to projects on which construction begins in the 2-year period beginning on the date of enactment of this Act.

**SA 3075.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.**

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

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

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

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

**SA 3076.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FIRE GRANTS  
REAUTHORIZATION**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;";

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

"(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;"; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

"(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)."

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

#### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

##### "SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

"(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

"(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

"(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

"(A) paid firefighting personnel; and

"(B) volunteer firefighting personnel.

"(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

"(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

"(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

"(A) assistance to firefighters grants under subsection (c); and

"(B) fire prevention and safety grants and other assistance under subsection (d).

"(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

"(A) establish specific criteria for the selection of grant recipients under this section; and

"(B) provide assistance with application preparation to applicants for such grants.

"(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

"(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

"(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

"(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

"(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

"(2) MAXIMUM GRANT AMOUNTS.—

"(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

"(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

"(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

"(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

"(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

"(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

"(B) AGGREGATE.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

"(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To train firefighting personnel in—

"(i) firefighting;

"(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

"(iii) arson prevention and detection;

"(iv) maritime firefighting; or

"(v) the handling of hazardous materials.

"(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

"(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

"(D) To certify—

"(i) fire inspectors; and

"(ii) building inspectors—

"(I) whose responsibilities include fire safety inspections; and

"(II) who are employed by or serving as volunteers with a fire department.

"(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

"(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

"(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

"(H) To acquire additional firefighting equipment, including equipment for—

"(i) fighting fires with foam in remote areas without access to water; and

"(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

"(I) To acquire personal protective equipment, including personal protective equipment—

"(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

"(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

"(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

"(K) To educate the public about arson prevention and detection.

"(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

"(d) FIRE PREVENTION AND SAFETY GRANTS.—

"(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

"(A) award grants to fire departments;

"(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

"(i) fire prevention programs; and

"(ii) research to improve firefighter health and life safety; and

"(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

"(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall

use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDED FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDED GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(A) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

**SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

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

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**SA 3077.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

**Subtitle A—Fire Grants Reauthorization**

**SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county;”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**“SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and

mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding

are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting

the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

- “(i) 75 percent in the first year of the grant;
- “(ii) 75 percent in the second year of the grant; and
- “(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on—”

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “staffing for adequate fire and emergency response”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

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

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and

1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) **CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.**—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) **FIRE SERVICE.**—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) **STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.**—

(1) **STUDY.**—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) **SURVEY.**—

(A) **IN GENERAL.**—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) **ELEMENTS.**—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) **AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.**—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) **REPORT ON FINDINGS OF STUDY.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(C) **TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) **REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.**—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) **STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.**—

(1) **STUDY.**—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the

equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**Subtitle B—Reauthorization of United States Fire Administration**

**SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

**SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) **DEPUTY ADMINISTRATOR.**—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

**SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

**SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

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

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

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”;

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

**SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

**SA 3078.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 912 of subtitle B of title IX of division A, add the following:

(c) **EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.**—Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

(d) **EXTENSION OF CERTAIN INTERNATIONAL SPACE COOPERATION PROVISIONS.**—Section 7(1)(B) of Public Law 106—178 (50 U.S.C. 1701 note) is amended by striking “prior to July 1, 2016” and inserting “prior to December 31, 2020”.

(e) **LEVEL OF EFFORT ASSURANCE.**—

(1) **IN GENERAL.**—To ensure sufficient resources for the development of Federal and commercial launch capabilities under titles III and IV of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.; 124 Stat. 2805), for fiscal years 2014 and 2015 the proportionate funding levels for the Space Launch System, the Multi-Purpose Crew Vehicle, known as Orion, and related Ground Systems and technology developments, shall be no less than the proportion as provided in the aggregate within the Exploration account for fiscal year 2013.

(2) **EXCEPTION.**—Paragraph (1) shall not apply if the amounts provided for the activities under paragraph (1) for fiscal year 2014 or fiscal year 2015 are equal to or greater than the aggregate amounts provided for each of those activities for fiscal year 2012 or 2013, whichever is greater, by an Act of Congress.

**SA 3079.** Mr. GRASSLEY (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . REMOVAL OF ACTION.**

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have

committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

**SA 3080.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON CAPABILITIES TO RESPOND TO THREATS POSED TO DEPLOYED UNITED STATES FORCES AND INSTALLATIONS BY CRUISE MISSILES, AIRCRAFT, TACTICAL BALLISTIC MISSILES, ROCKETS, AND OTHER SURFACE MOVING TARGETS.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the capabilities of the Armed Forces to respond to threats posed to deployed United States forces and installations by cruise missiles, aircraft (including unmanned aerial vehicles), tactical ballistic missiles, large caliber rockets, and other surface moving targets.

(b) **ELEMENTS.**—The report shall include the following:

(1) A summary of the current unmet requirements of the combatant commands to respond to the threats described in subsection (a).

(2) A plan that, if implemented, would address current unmet requirements summarized under paragraph (1), including by—

(A) expeditiously addressing any gaps between the requirements summarized under paragraph (1) and current capabilities to meet such requirements; and

(B) ensuring that the capabilities of the Armed Forces keep abreast of such threats in the future, including through—

(i) the development and deployment of persistent surveillance and tracking systems

that rapidly share fire control data to extend the effective engagement ranges of various platforms;

(ii) the integration of such systems into current and future strategic plans for the defense of forward deployed United States forces; and

(iii) the use of cost assessments by the Office of Cost Assessment and Program Evaluation to obtain comparative assessments of the costs of existing capabilities with the costs of systems in development and time to field.

(c) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 3081.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. PRIVATE RIGHT OF ACTION UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4) is amended by striking subsection (b) and inserting the following:

“(b) **PRIVATE RIGHT OF ACTION.**—A person who is aggrieved by a violation of this Act may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

“(c) **ATTORNEY’S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney’s fees, including litigation expenses, and costs.

“(d) **REPORTS TO CONGRESS.**—

“(1) **ANNUAL REPORT.**—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought by the Attorney General under subsection (a) during the preceding year or any civil action brought by a private party under subsection (b) in which the Attorney General intervened.

“(2) **REPORT ON ENFORCEMENT.**—Not later than July 1 of each year in which a general election for Federal office is scheduled, the Attorney General shall submit to Congress a report on the number of attorneys and other staff within the Department of Justice assigned to enforce the Uniformed and Overseas Citizen Absentee Voting Act, as well as the Attorney General’s plan to detect non-compliance by State and local election officials with the requirements of the law.”.

**SA 3082.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

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

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

**SA 3083.** Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. TESTER, and Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

**SA 3084.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) **CODIFICATION OF PROHIBITION.**—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.”

(b) **REPEAL OF OBSOLETE SOURCE LAW.**—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SA 3085.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 306, between lines 2 and 3, insert the following:

(3) **ADDITIONAL ELEMENTS.**—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

**SA 3086.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

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

**SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.**

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

**SA 3087.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

(b) **PROHIBITION ON ACCOUNT ADJUSTMENTS.**—The Secretary of the Navy may not make adjustments in relation to Commander Navy Installations Command, Naval Warfare Systems Center Atlantic accounts until the Secretary submits the report required under subsection (a).

**SA 3088.** Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1246. STRATEGY FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

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

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in

order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan's security by the end of 2014."

(B) "Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014."

(C) "The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation."

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), "the suspension of or restriction on women's enjoyment of their human rights" can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women's mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy's success. Indicators by which to measure women's security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women's access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women's full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: "As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system."

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense "lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force."

(B) The Afghan Ministry of Interior "faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels".

(C) In the Afghan National Police, "Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females."

(D) "While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress."

(E) "Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments."

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, "integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability," which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that "the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies." This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: "We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the

need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs."

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, "Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights."

(b) STRATEGY TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a strategy to be implemented by the Department of Defense, working with the NATO Training Mission Afghanistan (NTM-A) and Afghan partners, to promote the security of Afghan women during the security transition process.

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

(A) A strategy to monitor and respond to changes in women's security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women's rights and security are included in each area's transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women's security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women's security into current procedures used to determine an area's readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women's rights and security in cases of deterioration in women's security conditions during the transition period.

(B) A strategy to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A strategy to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the strategy required under this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 3089.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FIRE GRANTS  
REAUTHORIZATION**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county;”;

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**“SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall

use the grant for one or more of the following purposes:

- “(A) To train firefighting personnel in—
  - “(i) firefighting;
  - “(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);
  - “(iii) arson prevention and detection;
  - “(iv) maritime firefighting; or
  - “(v) the handling of hazardous materials.
- “(B) To train firefighting personnel to provide any of the training described under subparagraph (A).
  - “(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.
  - “(D) To certify—
    - “(i) fire inspectors; and
    - “(ii) building inspectors—
  - “(I) whose responsibilities include fire safety inspections; and
  - “(II) who are employed by or serving as volunteers with a fire department.
  - “(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.
  - “(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.
  - “(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.
  - “(H) To acquire additional firefighting equipment, including equipment for—
    - “(i) fighting fires with foam in remote areas without access to water; and
    - “(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.
  - “(I) To acquire personal protective equipment, including personal protective equipment—
    - “(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or
    - “(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.
  - “(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.
  - “(K) To educate the public about arson prevention and detection.
  - “(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.
  - “(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.
- “(d) FIRE PREVENTION AND SAFETY GRANTS.—
  - “(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—
    - “(A) award grants to fire departments;
    - “(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—
      - “(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

- “(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.
- “(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.
- “(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:
  - “(A) To enforce fire codes and promote compliance with fire safety standards.
  - “(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.
  - “(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.
  - “(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.
  - “(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.
- “(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.
- “(e) APPLICATIONS FOR GRANTS.—
  - “(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.
  - “(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:
    - “(A) A description of the financial need of the applicant for the grant.
    - “(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.
    - “(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.
    - “(D) A list of other sources of funding received by the applicant—
      - “(i) for the same purpose for which the application for a grant under this section was submitted; or
      - “(ii) from the Federal Government for other fire-related purposes.
    - “(E) Such other information as the Administrator of FEMA determines appropriate.
  - “(3) JOINT OR REGIONAL APPLICATIONS.—
    - “(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.
    - “(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).
  - “(C) GUIDANCE.—The Administrator of FEMA shall—
    - “(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and
    - “(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Adminis-

trator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

- “(f) PEER REVIEW OF GRANT APPLICATIONS.—
  - “(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).
  - “(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.
  - “(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:
    - “(1) The findings and recommendations of the peer reviews carried out under subsection (f).
    - “(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.
    - “(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.
    - “(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.
    - “(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—
      - “(1) not less than 25 percent are awarded under subsection (c) to career fire departments;
      - “(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;
      - “(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;
      - “(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);
      - “(5) not less than 10 percent are awarded under subsection (d); and
      - “(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).
  - “(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—
    - “(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).
    - “(2) STATE FIRE TRAINING ACADEMIES.—
      - “(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).
      - “(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.
    - “(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).
  - “(j) FURTHER CONSIDERATIONS.—
    - “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant’s ability to respond to fires and related hazards, such as the following:

- “(i) Population served.
- “(ii) Geographic response area.
- “(iii) Hazards vulnerability.
- “(iv) Call volume.
- “(v) Financial situation, including unemployment rate of the area being served.
- “(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

- “(A) prevention of injuries to high risk groups from fire; and
- “(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

- “(i) select each grant recipient on—
  - “(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;
  - “(II) the capability of the recipient to provide leadership in making national contributions to fire safety;
  - “(III) the recipient’s ability to disseminate the results of fire safety research; and
  - “(IV) the strategic plan the recipient proposes to carry out under the grant;
- “(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—
  - “(I) a national fire service organization or a national fire safety organization; and
  - “(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and
- “(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

- “(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.
- “(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

- “(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.
- “(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

- “(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and
- “(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

- “(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and
- “(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

- “(I) Changes in rates of unemployment from previous years.
- “(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.
- “(III) Changes in percentages of individuals eligible to receive food stamps from previous years.
- “(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

- “(i) is described in subsection (d)(1)(B); and
- “(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

- “(A) guidelines that describe—
  - “(i) the process for applying for grants under this section; and
  - “(ii) the criteria that will be used for selecting grant recipients; and
- “(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

- “(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:
  - “(i) Criteria for the awarding of grants under this section.
  - “(ii) Administrative changes to the assistance program established under subsection (b).
- “(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—
  - “(i) is recognized for expertise in firefighting or emergency medical services;
  - “(ii) is not an employee of the Federal Government; and
  - “(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—
    - “(I) providers of emergency medical services that are affiliated with fire departments; or
    - “(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

- “(i) is described in subsection (d)(1)(B); and
- “(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

- “(A) guidelines that describe—
  - “(i) the process for applying for grants under this section; and
  - “(ii) the criteria that will be used for selecting grant recipients; and
- “(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

- “(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:
  - “(i) Criteria for the awarding of grants under this section.
  - “(ii) Administrative changes to the assistance program established under subsection (b).
- “(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—
  - “(i) is recognized for expertise in firefighting or emergency medical services;
  - “(ii) is not an employee of the Federal Government; and
  - “(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—
    - “(I) providers of emergency medical services that are affiliated with fire departments; or
    - “(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

- “(i) is described in subsection (d)(1)(B); and
- “(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

- “(A) guidelines that describe—
  - “(i) the process for applying for grants under this section; and
  - “(ii) the criteria that will be used for selecting grant recipients; and
- “(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

- “(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:
  - “(i) Criteria for the awarding of grants under this section.
  - “(ii) Administrative changes to the assistance program established under subsection (b).
- “(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—
  - “(i) is recognized for expertise in firefighting or emergency medical services;
  - “(ii) is not an employee of the Federal Government; and
  - “(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—
    - “(I) providers of emergency medical services that are affiliated with fire departments; or
    - “(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA

an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item

(as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “firefighter” has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(A) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(B) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(A) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(B) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(1) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(C) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**SA 3090.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

**Subtitle A—Fire Grants Reauthorization**

**SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency:’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**“SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with na-

tional fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDED FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDED GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient’s ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

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

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “firefighter has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and  
“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “expansion of pre-september 11, 2001, fire grant program” and inserting the following: “staffing for adequate fire and emergency response”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

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

(1) An assessment of the effect of the amendments made by sections 1803 and 1804

on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph

(2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

- (1) \$600,000 for fiscal year 2013; and
- (2) \$600,000 for fiscal year 2014.

#### Subtitle B—Reauthorization of United States Fire Administration

##### SEC. 1811. SHORT TITLE.

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

##### SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”

##### SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”

##### SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

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

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

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

##### SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

**SA 3091.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

##### SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications Systems, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

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

##### SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

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

##### SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Aware-

ness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C-Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

##### SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

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

##### SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and available as specified in the funding tables in sections 4101 and 4201 of that Act; and

(2) amounts authorized to be appropriated for fiscal year 2013 by sections 101 and 201 of this Act and available as specified in the funding tables in sections 4101 and 4201 of this Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SA 3092.** Mr. RISCH submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON MILITARY ASSETS IN PROXIMITY OF BENGHAZI, LIBYA, ON SEPTEMBER 11, 2011.**

(a) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report outlining all United States and North Atlantic Treaty Organization (NATO) military armed and unarmed assets within 7 hours travel time of Benghazi, Libya, on September 11, 2012, that could have arrived within 7 hours of notification.

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

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;
- (2) the Committee on Foreign Relations and the Committee on Intelligence of the Senate; and
- (3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3093.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1233. REPORT ON INDIVIDUALS DETAINED BY FOREIGN COUNTRIES WITH INFORMATION USEFUL TO INVESTIGATION OF TERRORIST ATTACKS ON UNITED STATES INTERESTS IN BENGHAZI, LIBYA.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 15 days and 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall jointly submit to Congress a report listing individuals currently in the custody of another country who would be useful for the Federal Bureau of Investigations to interview, or whom the Federal Bureau of Investigations has already interviewed, in conjunction with its investigation into the September 11, 2012, terrorist attacks on United States interests in Benghazi, Libya.

(2) **CONTENT.**—The report required under paragraph (1) shall include, at a minimum, the following elements:

- (A) A list—
  - (i) including the name of each individual;
  - (ii) indicating the country where he or she is being detained; and
  - (iii) describing whether that country has granted the Federal Bureau of Investigations access to interview the individual, and describing the access provided.

(B) An addendum prepared by the Secretary of State detailing if the Department

of State considers the countries detaining the individuals listed under subparagraph (A) as fully cooperating with United States antiterrorism efforts.

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

(1) any country that fails to allow immediate and full access to the Federal Bureau of Investigations to interview the individuals listed in the report submitted under subsection (a) does not meet the threshold of fully cooperating with United States antiterrorism efforts; and

(2) the Secretary of State shall weigh this factor heavily when determining for purposes of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) whether a country has repeatedly provided support for acts of international terrorism and is prohibited from certain arms transactions.

**SA 3094.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3114 and insert the following:

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

**“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

“(a) **PROGRAM REQUIRED.**—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) **ELEMENTS.**—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) **REPORT ON COMMENCEMENT OF PROGRAM.**—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) **REPORTS ON MODIFICATION OF PROGRAM.**—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congress-

sional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees;

“(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

“(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.”

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”

(b) **REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) **COMPTROLLER GENERAL OF THE UNITED STATES REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;
- (2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and
- (3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

**SA 3095.** Mrs. HAGAN (for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2823.

**SA 3096.** Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MANCHIN) submitted an amendment intended to be proposed

by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President shall, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to the minimum level required to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or prohibit any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

**SA 3097.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. REPORTS BY FEDERAL AGENCIES WITH CONSTRUCTION CONTRACTS IN AFGHANISTAN THAT DO NOT COMPLY WITH INSPECTOR GENERAL RECOMMENDATIONS ON REIMBURSEMENT FOR POOR CONTRACTOR PERFORMANCE, COST OVERRUNS, OR OTHER REASONS.**

(a) IN GENERAL.—Not later than 30 days after the end of the 60-day period for an audited establishment to respond to a covered

final audit report submitted to the establishment by an Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) or 30 days after the establishment responds to a covered audit report with a non-concur or partial concur response, the head of the establishment shall submit to Congress a report with an explanation for the failure to respond or the non-concur or partial concur response.

(b) DEFINITIONS.—In this section:

(1) The term “covered final audit report” means a final audit report issued by an Inspector General under the Inspector General Act of 1978 that includes a recommendation for an establishment to seek reimbursement for failure by a contractor or subcontractor to successfully complete a construction contract in Afghanistan due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least \$2,000,000 in savings.

(2) The terms “establishment” and “head of the establishment” have the meanings given such terms in section 11 of the Inspector General Act of 1978.

**SA 3098.** Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.**

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) COVERED AGENCIES.—The agencies specified in this subsection are the following:

- (1) The Department of the Army.
- (2) The Department of the Navy.
- (3) The Department of the Air Force.
- (4) The Defense Logistics Agency.

(c) COVERED INFORMATION.—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

**SA 3099.** Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr.

BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

**Subtitle E—Mental Health Care Matters**

**SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.**

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

**SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) COMPREHENSIVE PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) ELEMENTS.—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) CONSULTATION.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) IMPLEMENTATION BY THE ARMED FORCES.—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) QUALITY ASSURANCE.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

**SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.**

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

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

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.**

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) REPORT.—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) DEFINITIONS.—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

**SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

**SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.**

(a) DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.—The Secretary of Defense shall establish within the Department of Defense an organization to carry out

the responsibilities specified in subsection (b).

(b) RESPONSIBILITIES.—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) ANNUAL REPORTS.—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

#### SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) VETERANS.—

(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) VETERAN DEFINED.—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

#### SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary’s development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide

such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) PERIODIC REPORTS TO SECRETARY.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) REPORTS TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) PUBLICATION.—

(1) IN GENERAL.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) QUARTERLY UPDATES.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) SEMIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the Secretary’s progress in developing and implementing the measures and guidelines required by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services

furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

**SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.**

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following: “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

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

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

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

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

(B) by adding at the end the following new paragraph:

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

**SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

**SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7309. Readjustment Counseling Service**

“(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

“(f) VET CENTER DEFINED.—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

**SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

**SEC. 764. PEER SUPPORT.**

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking “may” and inserting “shall”.

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163)”.

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Serv-

ices Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

**SA 3100.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.**

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

**“CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED**

“Sec

“150401. Organization

“150402. Purposes

“150403. Membership

“150404. Board of directors

“150405. Officers

“150406. Nondiscrimination

“150407. Powers

“150408. Exclusive right to name, seals, emblems, and badges

“150409. Restrictions

“150410. Duty to maintain tax-exempt status

“150411. Records and inspection

“150412. Service of process

“150413. Liability for acts of officers and agents

“150414. Failure to comply with requirements

“150415. Annual report

**“§ 150401. Organization**

“The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the ‘corporation’), is a federally chartered corporation.

**“§ 150402. Purposes**

“The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

“(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

“(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

“(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native

Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

“(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

“(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

“(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

“(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

“(A) providing outreach service to those Tribes in need; and

“(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

“§ 150403. Membership

“Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

“§ 150404. Board of directors

“Subject to section 150406 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

“§ 150405. Officers

“Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

“§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

“§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

“§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and badges as the corporation may lawfully adopt.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

“§ 150409. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corpora-

tion or be distributed to any such person during the life of the charter granted by this chapter.

“(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

“(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

“(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

“§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

“§ 150411. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete books and records of accounts;

“(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

“(3) at its principal office, a record of the names and addresses of all members having the right to vote.

“(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

“(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150412. Service of process

“With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

“§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

“§ 150415. Annual report

“(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

“(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by

insert after the item relating to chapter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated .....150401”.

SA 3101. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 505. APPOINTMENT AND GRADE OF CHIEF OF THE ARMY MEDICAL SPECIALIST CORPS.

Section 3070(b) of title 10, United States Code, is amended—

(1) in the first sentence, by striking “captain” and inserting “lieutenant colonel”; and

(2) by inserting after the first sentence the following new sentence: “An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.”.

SA 3102. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PERIOD OF RETENTION.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

**SA 3103.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 544. INCLUSION AND COMMAND REVIEW OF INFORMATION ON SEXUAL-RELATED OFFENSES IN PERSONNEL SERVICE RECORDS OF MEMBERS OF THE ARMED FORCES.**

(a) INFORMATION ON SUBSTANTIATED REPORTS ON SEXUAL-RELATED OFFENSES.—

(1) IN GENERAL.—If a complaint of a sexual-related offense is made against a member of the Armed Forces and the complaint is substantiated, a notation to that effect shall be placed in the personnel service record of the member, regardless of the member's grade.

(2) PURPOSE.—The purpose of the inclusion of information in personnel service records under paragraph (1) is to alert commanders to the members of their command who have received courts-martial conviction, non-judicial punishment, or administrative action for sexual-related offenses in order to reduce the likelihood that repeat offenses will escape the notice of commanders.

(b) LIMITATION ON PLACEMENT.—A notation under subsection (a) may not be placed in the restricted section of the personnel service record of a member.

(c) CONSTRUCTION.—Nothing in subsection (a) or (b) may be construed to prohibit or limit the capacity of a member of the Armed Forces to challenge or appeal the placement of a notation, or location of placement of a notation, in the member's personnel service record in accordance with procedures otherwise applicable to such challenges or appeals.

(d) SUBSTANTIATED COMPLAINTS.—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for purposes of the annual report on sexual assaults involving members of the Armed Forces prepared under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note).

(e) COMMAND REVIEW OF HISTORY OF SEXUAL-RELATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR TRANSFER TO NEW UNIT.—

(1) REVIEW REQUIRED.—Under uniform regulations prescribed by the Secretary of Defense, the commanding officer of a facility, installation, or unit to which a member of the Armed Forces described in paragraph (2) is permanently assigned or transferred shall review the history of substantiated sexual offenses of the member in order to familiarize such officer with such history of the member.

(2) COVERED MEMBERS.—A member of the Armed Forces described in this paragraph is a member of the Armed Forces who, at the time of assignment or transfer as described in paragraph (1), has a history of one or more substantiated sexual offenses as documented in the personnel service record of such member or such other records or files as the Secretary shall specify in the regulations prescribed under paragraph (1).

**SA 3104.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize ap-

propriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed, including, in a case in which an Article 32 investigating officer recommended dismissal of the charges, an explicit statement of the reasons for such recommendation.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the inci-

dence of such factors or their contributions to sexual assaults.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**SA 3105.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

(1) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) RETENTION.—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(C) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

**SA 3106.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 544. POLICY OF THE UNITED STATES ON DISPOSITION OF CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE THROUGH COURTS-MARTIAL.**

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that any charge regarding an offense specified in subsection (b) should be disposed of by court-martial, rather than by non-judicial punishment or administrative action.

(b) COVERED OFFENSES.—An offense specified in this subsection is any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of such chapter (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80 of the Uniform Code of Military Justice).

(c) JUSTIFICATION FOR DISPOSITION OTHER THAN BY COURT-MARTIAL.—In the case of any charge regarding an offense specified in subsection (b) that is disposed of by non-judicial punishment or administrative action, rather than by court-martial, the disposition authority for such case shall include in the case file a justification for the disposition of the charge by non-judicial punishment or administrative action, rather than by court-martial.

**SA 3107.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 344. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

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

**SA 3108.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include

requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

“(B) If a military department or Defense Agency does not submit to the Deputy Chief Management Officer information requested by the Deputy Chief Management Office under subparagraph (A) within 60 days of the date of such request for such information under that subparagraph, or does not submit such information in the standardized format established pursuant to that subparagraph, the Secretary of Defense may withhold funding for any new defense business system, or any modernization of a current defense business system, of the military department or Defense Agency commencing as of the date that is 60 days after the date of such request.”.

**SA 3109.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

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

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

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

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

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

**SA 3110.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

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

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

**SA 3111.** Mr. COBURN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:  
**TITLE XVIII—AUDIT OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Audit the Pentagon Act of 2012”.

**SEC. 1802. FINDINGS.**

Congress makes the following findings:

(1) Section 9 of Article 1 of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish “a regular statement and account of the receipts and expenditures of all public money”.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the “High-Risk” list of Government Accountability Office, which means that the Department is not consistently able to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse”.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

**SEC. 1803. AUDIT READINESS OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) INCLUSION OF STATEMENT OF BUDGET RESOURCES WITHIN FIAR PLAN.—Subsection (a)(2)(A) of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended—

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

(2) by redesignating clause (ii) as clause (iv); and

(3) by inserting after clause (i) the following new clauses:

“(i) ensuring that a complete and validated statement of budgetary resources of the Department of Defense is ready by not later than September 30, 2014;

“(iii) ensuring that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2017, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit, including submitting the reports not later than November 15, 2017, and each year thereafter, in order to seek an audit opinion on its financial statements; and”.

(b) DEFINITION OF VALIDATED AS READY FOR AUDIT.—Such section is further amended by adding at the end the following new subsection:

“(d) VALIDATED AS READY FOR AUDIT DEFINED.—In this section, the term ‘validated as ready for audit’ means the following:

“(1) In the case of the financial statements of a military department, that the audit agencies of the military department have reviewed such statements and determined, in writing, that such statements are ready for audit.

“(2) In the case of the financial statements of a Defense Agency, that the audit agencies of the Defense Agency have reviewed such statements and determined, in writing, that such statements are ready for audit.”.

**SEC. 1804. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) CESSATION OF APPLICABILITY.—

(1) MILITARY DEPARTMENTS.—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) DEPARTMENT OF DEFENSE.—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the Defense Agencies.

(b) REPORTING REQUIREMENTS.—The reporting requirements specified in this subsection are the following:

(1) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(2) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1204; 10 U.S.C. 113 note).

**SEC. 1805. REPORT ON DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS MADE OBSOLETE BY OR AFFECTING AUDITS WITH UNQUALIFIED OPINIONS.**

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to Congress a report setting forth the following:

(1) A list of each report of the Department of Defense required by law to be submitted to Congress which, in the opinion of the Under Secretary, would no longer be necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(2) A list of each report of the Department required by law to be submitted to Congress which, in the opinion of the Under Secretary, interferes with the capacity of the Department to achieve an audit of the financial statements of the Department with an unqualified opinion.

**SEC. 1806. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.**

(a) IN GENERAL.—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2013, the thresholds for reprogramming of funds without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, \$60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, \$30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, \$45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, \$30,000,000.

(b) CONSTRUCTION.—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on reprogrammings covered by subsection (a) under any other provision of law.

(c) DEFINITIONS.—In this section, the terms “program base amount”, “procurement program”, “research program”, and “budget activity” have the meanings given such terms

in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

**SEC. 1807. AVAILABILITY OF EXPIRING FUNDS FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.**

(a) **IN GENERAL.**—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for a fiscal year after fiscal year 2013 (in this section referred to as a “covered fiscal year”), the amount described in subsection (b) shall be available for the purposes specified in subsection (c) at the end of such covered fiscal year without fiscal year limitation.

(b) **AVAILABLE AMOUNT.**—The amount described in this subsection is the amount equal to five percent of the aggregate amount of unobligated appropriations available to the military department concerned for a covered fiscal year that would otherwise expire at the end of such covered fiscal year by law.

(c) **PURPOSES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and subject to paragraph (3), amounts available under subsection (a) shall, at the election of the Secretary of the military department concerned, be available for purposes as follows:

(A) Payment in accordance with applicable law of bonuses authorized by law (including awards authorized by subchapter I of chapter 45 of title 5, United States Code) for civilian employees of the military department, including employees determined to have made beneficial contributions to the achievement of the mission of the military department.

(B) Procurement of weapons and weapon systems.

(C) Military education and training programs and activities of the military department.

(2) **EXCLUSION.**—Amounts available under subsection (a) shall not be available for purposes as follows:

(A) Research, development, test, and evaluation.

(B) Military construction.

(3) **LIMITATIONS ON BONUSES.**—

(A) **LIMITATION ON BONUS AMOUNT.**—The amount of the bonus payable to a civilian employee of a military department under paragraph (1)(A) in any year may not exceed the amount equal to 25 percent of the base pay of the employee in such year.

(B) **LIMITATION ON AGGREGATE AMOUNT OF BONUSES.**—The total amount of bonuses payable to civilian employees of a military department under paragraph (1)(A) in any year may not exceed \$5,000,000.

(C) **CONSTRUCTION.**—Nothing in paragraph (1)(A) may be construed to authorize or provide for the payment of a bonus to an officer or employee of a contractor of the Department of Defense.

(d) **TRANSFERS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of a military department may transfer amounts described in subsection (b) that are available under subsection (a) among accounts of the military department for purposes of exercising the authority in subsection (a) with respect to such amounts. Amounts so transferred shall be merged with amounts in the account or fund to which transferred and shall be available under the same terms and conditions as the amounts with which merged for the purposes specified in subsection (c).

(2) **NO NEW APPROPRIATION.**—A transfer under paragraph (1) shall not be treated as a

new appropriation of the amount so transferred.

(e) **REPORTS.**—

(1) **ANNUAL REPORTS.**—The Secretary of Defense shall submit to Congress each year (at the same time the budget of the President for a fiscal year is submitted to Congress in such year pursuant to section 1105 of title 31, United States Code) a report on the exercise of the authority under this section during the previous fiscal year. Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) The amounts transferred under subsection (d), including the total amount transferred and the amounts transferred to each account to which transferred.

(B) The purposes, and amounts, for which amounts transferred were used.

(2) **NOTICE ON PROCUREMENT.**—Not later than 30 days before using amounts available under subsection (a) for the procurement of weapons or a weapon system, the Secretary of the military department concerned shall submit to Congress a report, in writing, on the use of such amounts for that purpose. Each report shall include a statement of the weapons or weapon system to be procured and the amount to be used for such procurement.

**SEC. 1808. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2014 STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—If the Department of Defense fails to obtain an audit with an unqualified opinion on its statement of budgetary resources for fiscal year 2014, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) **ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller) under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) **DUTIES AND POWERS.**—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) **ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an

unqualified opinion on such company's financial statements during the time of such individual's service.

(B) **RESPONSIBILITIES.**—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) **ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) **RESPONSIBILITIES.**—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) **ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) **RESPONSIBILITIES.**—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) **PUBLIC COMPANY DEFINED.**—In this section, the term “public company” has the meaning given the term “issuer” in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

**SEC. 1809. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2017 FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) **MILITARY DEPARTMENTS.**—

(1) CESSATION OF AUTHORITIES ON REPROGRAMMING AND AVAILABILITY OF FUNDS.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, the authorities in sections 1806 and 1807 shall cease to be available to the military department for fiscal year 2017 or any fiscal year thereafter.

(2) PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B.—

(A) PROHIBITION.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, amounts may not be expended by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(B) DEFINITIONS.—In this paragraph:

(i) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

(ii) The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

(b) DEPARTMENT OF DEFENSE.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

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

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of

the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 1810. ENTERPRISE RESOURCE PLANNING.**

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(4) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

**SA 3112.** Mr. BROWN of Ohio (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 735. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS IN VISION CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.**

(a) IN GENERAL.—Subsection (a) of section 1623 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by striking “shall establish within the Department of Defense” and inserting

“and the Secretary of Veterans Affairs shall jointly provide for”.

(b) PARTNERSHIPS.—Subsection (b) of such section is amended by striking “Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs,” and inserting “Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with the Department of Defense, the Department of Veterans Affairs,”.

(c) RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(B) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs” each place it appears; and

(C) in subparagraph (C), by striking “the Veterans Health Administration” and inserting “the Department of Defense or the Department of Veterans Affairs”; and

(2) in paragraph (2), by striking “Military Eye Injury Registry” and inserting “Defense and Veterans Eye Injury Registry”.

(d) INCLUSION OF CERTAIN RECORDS IN REGISTRY.—Subsection (e) of such section is amended by striking “the Secretary considers” and inserting “the Secretary of Defense and the Secretary of Veterans Affairs jointly consider”.

**SA 3113.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. SMALL BUSINESS HUBZONES.**

(a) DEFINITION.—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—A covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

**SA 3114.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1246. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

**SA 3115.** Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1032. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

Section 1021(e) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) by striking “The disposition” and inserting “Except as provided in subsection (g), the disposition”; and

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

“(g) DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES.—

“(1) PERSONS DETAINED PURSUANT TO THIS ACT, THE AUTHORIZATION FOR USE OF MILITARY FORCE, OR THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—In the case of a covered person who is detained in the United States pursuant to this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the United States Government and shall only mean the immediate transfer of the person for trial and proceedings with all the due process rights as provided for under the Constitution of the United States.

“(2) PROHIBITION ON TRANSFER TO MILITARY CUSTODY.—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.

“(h) RULE OF CONSTRUCTION.—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.”

**SEC. 1033. REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.**

(a) REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1563; 10 U.S.C. 801 note) is hereby repealed.

(b) CONFORMING AMENDMENT.—Section 1029(b) of such Act (125 Stat. 1570) is amended by striking “applies to” and all that follows through “any other person” and inserting “applies to any person”.

**SA 3116.** Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1032. CLARIFICATION OF RULE OF CONSTRUCTION APPLICABLE TO AFFIRMATION OF AUTHORITY FOR THE ARMED FORCES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

Section 1021(e) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) by striking “in this section” and inserting “in this Act or the Authorization for Use of Military Force”; and

(2) by striking “to affect existing law or authorities relating to” and inserting “to authorize”.

**SA 3117.** Mr. HATCH (for himself, Mr. CHAMBLISS, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 322. INCLUSION OF SENIOR OFFICIALS AT AIR LOGISTICS COMPLEXES IN RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.**

Notwithstanding any other provision of law, the rating chain for a system program manager may include, at any level, any senior official located at an Air Logistics Complex where the system program manager is based.

**SA 3118.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. FEDERAL PRISON INDUSTRIES.**

(a) PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.—

(1) REPEAL OF PURCHASE REQUIREMENT.—Section 4124 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) by striking “shall purchase” and inserting “may purchase”; and

(ii) by inserting “and services” after “such products”; and

(B) in subsection (c), by striking “subject to the requirements of subsection (a)” and inserting “that purchases such products or services of the industries authorized by this chapter”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 8504(b) of title 41, United States Code, is amended by striking “and that is required under section 4124 of title 18 to be procured from that industry”.

(b) PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC.—Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries’s share of the items to be delivered under the contract by the same percentage by which the total number of items to be delivered under the contract from all sources is reduced.

(2) DEFINITIONS.—In this subsection—

(A) the term “executive agency” has the meaning given the term in section 133 of title 41, United States Code; and

(B) the term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

**SA 3119.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent

duty station or homeport is located on such date.”.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

**SA 3120.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING SPECTRUM REALLOCATION.**

It is the sense of Congress that—

(1) the Nation’s mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for commercial mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the current spectrum shortage, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the reallocation of Federal Government spectrum for commercial use must also be part of the solution, given that, according to a 2012 Government Accountability Office study, the percentage of the most highly valued spectrum, that below 3700 MHz, used exclusively or predominantly by the Federal Government ranges from approximately 39 percent to 57 percent with exclusive Government use accounting for 18 percent of the total amount of spectrum below 3700 MHz;

(5) existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and, with respect to spectrum vacated by the Department of Defense, certification by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(6) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(7) commercial users should only be required to share spectrum with government users as a transition mechanism while spectrum is being cleared by Federal users or in limited exclusion zones where relocation of existing Federal uses is not feasible, or where it can be determined that sharing will not significantly impair use of the spectrum for broadband services;

(8) among existing Federal Government bands, the spectrum between 1755–1780 MHz is particularly well-suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most of the world and because it is immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment;

(9) the Department of Defense should prepare a long term plan in consultation with relevant agencies and private sector stakeholders to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector’s demand for spectrum with national security needs;

(10) in most cases Federal operations can and should be relocated from this band, possibly except for a limited subset of operations in rural areas where a Federal Government station cannot be relocated without jeopardizing essential military capability;

(11) auctioning this band on a paired basis with the band between 2155–2180 MHz that was designated for auction under the Middle Class Tax Relief and Job Creation Act of 2012 would permit alignment with existing services, facilitate faster deployment of services, maximize efficient use of the spectrum, and yield more dollars in auction revenues than if the 1755–1780 MHz were auctioned by itself;

(12) the President should therefore expeditiously direct Federal users on the 1755–1780 MHz band to prepare, not later than May 31, 2013, a relocation plan that includes the costs of relocating from this band; and

(13) the Federal Communications Commission reallocate this band to commercial use and auction it on a paired basis with the band between 2155–2180 MHz.

**SA 3121.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) EXEMPTION AUTHORITY.—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.—This section does not apply to the high performance computing modernization program.”.

**SA 3122.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

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

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

**SEC. 1246. SENSE OF THE SENATE ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.**

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

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF THE SENATE.—The Senate—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel’s right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert the Senate of any needs the

Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

**SA 3123.** Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. SESSIONS, Mr. VITTER, and Mr. CORKER) proposed an amendment to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1064. BRIEFINGS AND CONSULTATIONS ON THE MILITARY IMPLICATIONS OF PROPOSALS OF THE UNITED STATES AND RUSSIA UNDER CONSIDERATION IN NEGOTIATIONS ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEM MATTERS.**

(a) BRIEFINGS AND CONSULTATIONS.—

(1) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, provide to the appropriate committees of Congress a briefing on the military and strategic implications of any offer or proposal, by either the Russian Federation or the United States, to limit or control nuclear arms, missile defense systems, or long-range conventional strike systems, including any proposal as part of formal negotiations between the two countries or otherwise exchanged between official entities of the two countries.

(2) BASIS OF QUARTERLY CONSULTATIONS.—The briefings under paragraph (1) shall serve as the basis for quarterly consultations to be provided by the Secretary to the appropriate committees of Congress on any current proposals described in that paragraph.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any agreement of the United States with the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems that would limit, constrain, or reduce the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2, of the Constitution of the United States, as consistent with section 303(b) of the Arms Control and Disarmament Act.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 3124.** Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. RUBIO, Mr. BEGICH, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations

for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

**Subtitle F—Ending Trafficking in Government Contracting**

**SEC. 891. SHORT TITLE.**

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

**SEC. 892. DEFINITIONS.**

In this subtitle:

(1) COMMERCIAL SEX ACT.—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) SUBCONTRACTOR.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) SUBGRANTEE.—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) UNITED STATES.—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 893. CONTRACTING REQUIREMENTS.**

(a) IN GENERAL.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee’s identity or immigration documents without the employee’s consent.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such

as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

**SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant,

contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting officer or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) DETERMINATION.—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant,

or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—  
“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or  
“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”

**SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly”; and

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

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

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

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

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

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”

**SEC. 899. RULES OF CONSTRUCTION.**

(a) LIABILITY.—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or

other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

**SA 3125.** Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 314. LIMITED DECONTAMINATION AUTHORITY FOR PORTIONS OF FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.**

(a) **DECONTAMINATION AUTHORITY.**—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the transfer of the former bombardment area on the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense may authorize and conduct activities for the removal of unexploded ordnance and munitions scrap from those portions of the former bombardment area that were explicitly identified as having regular public access in the Department of Defense study entitled “Study Relating to the Presence of Unexploded Ordnance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico” and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4464).

(b) **EXCEPTIONS.**—In authorizing and conducting activities for the removal of unexploded ordnance and munitions scrap within the transferred former bombardment area, as authorized by subsection (a), the Secretary of Defense may exclude areas of dense vegetation and steep terrain that—

(1) make public access difficult and public use infrequent; and

(2) would severely hamper the effectiveness and increase the cost of removal activities.

(c) **DEFINITIONS.**—In this section:

(1) The term “quitclaim deed” refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term “unexploded ordnance” has the meaning given that term by section 101(e)(5) of title 10, United States Code.

**SA 3126.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title 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.

“(c) **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 member’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 member’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 member’s permanent 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 chapter 6 of such title 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, 2013, 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 time line 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 3127.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 723. SUPPORT OF MULTI-DISCIPLINARY RESEARCH INTO TRANSLATIONAL MEDICINE FOR DIAGNOSIS AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY, AND OTHER NEUROLOGICAL CONDITIONS SUFFERED BY MEMBERS OF THE ARMED FORCES.**

(a) PROGRAM OF SUPPORT AUTHORIZED.—The Secretary of Defense may carry out a program to provide support for multi-disciplinary research into translational medicine for the diagnosis and treatment of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other neurological conditions suffered by members of the Armed Forces. The program shall be carried out by the Bureau of Medicine and Surgery (BUMED) of the Navy.

(b) ELEMENTS.—As part of the program authorized by subsection (a), the Secretary may—

(1) establish, or authorize the participation of appropriate elements of the Department of Defense in, a nationwide scientific consortium aimed at integrating research on nanotechnology, stem cells, cellular therapy, medical imaging, electronic medical records, information technology and medical devices, and other appropriate matters into the translation medicine described in subsection (a); and

(2) provide capabilities to permit researchers, scientists, surgeons, physicians, healthcare professionals, and patients to effectively communicate the findings and outcomes of research under the program into such translational medicine in a manner that enhances such medicine through real-time access to information and integration between researchers, physicians, hospitals, and patients.

(c) REPORT.—If the Secretary elects to carry out the program authorized by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of the enactment

of this Act, a report setting forth a plan for the establishment and discharge of the program.

(d) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by section 1403 and available for Defense Health Program may be used for the program authorized by subsection (a).

**SA 3128.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1048. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.**

(a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—

(1) ESTABLISHMENT.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118b the following new section:

**“§ 118c. Bipartisan independent strategic review panel**

“(a) ESTABLISHMENT.—There is established a bipartisan independent strategic review panel (in this section referred to as the ‘Panel’) to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118 of this title.

“(b) MEMBERSHIP.—

“(1) APPOINTMENT.—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

“(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.

“(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

“(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

“(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

“(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

“(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

“(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

“(B) TERMS.—(1) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.

“(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such

initial member to serve a term that expires on December 31, 2014.

“(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(v) The ranking minority member of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

“(4) VACANCIES.—(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

“(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

“(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

“(ii) in the case of an appointment to fill a vacancy resulting from the expiration of the term of a member of the panel, two years after the date on which the term of such member expired.

“(5) REAPPOINTMENT.—Members of the Panel may be reappointed to the Panel for additional terms of service.

“(6) PAY.—The members of the Panel shall serve without pay

“(7) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

“(c) DUTIES.—

“(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—The Panel shall every four years, during a year following a year evenly divisible by four, review the national defense strategic environment of the United States. Such review shall include a review and assessment of—

“(A) the national defense environment, including challenges and opportunities;

“(B) the national defense strategy and policy;

“(C) the national defense roles, missions, and organizations; and

“(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense.

“(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

“(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118 of this title. Each assessment shall include—

“(A) a review of the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

“(B) an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on such quadrennial

defense review required under section 118(d) of this title, with particular attention paid to the risks described in such a report;

“(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under such section 118(d); and

“(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) of this title and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

“(d) ADMINISTRATIVE PROVISIONS.—

“(1) STAFF.—

“(A) IN GENERAL.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.

“(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to the 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.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairs of the Panel may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title.

“(4) PROVISION OF INFORMATION.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

“(5) USE OF CERTAIN DEPARTMENT OF DEFENSE RESOURCES.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any Federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

“(6) FUNDING.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

“(e) REPORTS.—

“(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National Security Council a report containing the results of the review conducted under subsection (c)(1) and any recommendations or other matters that the Panel considers appropriate.

“(2) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—Not later than 90 days after the date on which a report on a quadrennial defense review is submitted to Congress under section 118(d) of this title, the Panel shall submit to the congressional defense commit-

tees and the Secretary of Defense a report containing the results of the assessment conducted under subsection (c)(3) and any recommendations or other matters that the Panel considers appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 118b adding at the end the following new item:

“118c. Bipartisan independent strategic review panel.”.

(b) UPDATES FROM SECRETARY OF DEFENSE ON PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Section 118(f) of title 10, United States Code, is amended to read as follows:

“(f) UPDATES TO BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the Chairs of the bipartisan independent strategic review panel established by section 118c(a) of this title, the Department of Defense briefs the panel on the progress of the conduct of a quadrennial defense review under subsection (a).”.

(c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF THE ARMY.—

(1) REVIEW REQUIRED.—Not later than 30 days after the date on which all initial members of the bipartisan independent strategic review panel are appointed under section 118c(b) of title 10, United States Code (as added by subsection (a)), the Panel shall begin a review of the future of the Army.

(2) ELEMENTS.—The review required under paragraph (1) shall include a review and assessment of—

(A) the validity and utility of the scenarios and planning assumptions the Army used to develop the current force structure of the Army;

(B) such force structure and an evaluation of the adequacy of such force structure for meeting the goals of the national military strategy of the United States;

(C) the size and structure of elements of the Army, in particular the United States Army Training and Doctrine Command, the United States Army Materiel Command, and corps and higher headquarters elements;

(D) potential alternative force structures of the Army; and

(E) the resource requirements of each of the alternative force structures analyzed by the Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one year after the date on which the Panel begins the review required by paragraph (1), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the findings and recommendations of the Panel, including any recommendations concerning changes to the planned size and composition of the Army.

(B) ADDITIONAL VIEWS.—The report required by subparagraph (A) shall include any additional or dissenting views of a member of the Panel that such member considers appropriate to include in the report.

(4) DEFINITIONS.—In this subsection:

(A) The term “Army” includes the reserve components of the Army.

(B) The terms “bipartisan independent strategic review panel” and “Panel” mean the bipartisan independent strategic review panel established by section 118c(a) of title 10, United States Code (as so added).

**SA 3129.** Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. OUTREACH ON AVAILABILITY OF EDUCATIONAL AND VOCATIONAL COUNSELING.**

(a) OUTREACH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement an outreach plan to better inform veterans about the availability of counseling services under section 3697A of title 38, United States Code, in order to achieve higher rates of utilization of such counseling services.

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

(A) A more prominent notice on the Internet website of the Department of Veterans Affairs of the availability of such counseling services.

(B) Use of social media and veterans service organizations.

(C) Inclusion of information regarding such counseling services in appropriate mailings from the Department.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed report on the counseling services provided under section 3697A of title 38, United States Code.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of veterans who requested counseling services under such section in fiscal years 2010, 2011, and 2012.

(B) Specifics regarding the information that is provided to veterans as part of such counseling services, including any data provided on educational institutions.

(C) Results of satisfaction surveys submitted by individuals who have utilized such counseling services at any time during the three-year period ending on the date of the enactment of this Act for each individual contractor who provided such counseling services on behalf of the Secretary and a description of any action taken by the Secretary with regard to specific contractors as a result of such satisfaction surveys.

(D) A description of the actions the Secretary intends to undertake to increase the usage, availability, and quality of such counseling services carried out through contractors.

(E) Recommendations for such legislative and administration action as the Secretary considers necessary to increase the usage and availability of such counseling services.

**SEC. 1085. VETERANS' EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.**

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section: “§ 3693A. Complaint tracking system

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

“(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

“(1) The system shall create an individual case number for each complaint processed and tracked in the system.

“(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

“(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

“(4) The system shall allow for the submittal of complaints by—

“(A) Internet website; and

“(B) telephone via a toll-free number that is available every day at all hours.

“(5) The system shall allow for the sharing of complaints with and between the following:

“(A) The educational institutions that are the subjects of the complaints.

“(B) The Secretary of Education.

“(C) The Secretary of Defense.

“(D) State approving agencies.

“(E) Nationally or regionally recognized accrediting agencies and associations.

“(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

“(c) OUTREACH.—(1) The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection (a) of the system and process established under such subsection.

“(2) In conducting outreach under paragraph (1), the Secretary shall advise individuals of the kinds of complaints that are appropriate for submittal for inclusion in the system established under subsection (a).

“(d) CONSIDERATION.—Whenever the Secretary considers whether to approve a course of education of an educational institution under this chapter, the Secretary shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

“(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant's identity.

“(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

“3693A. Complaint tracking system.”.

**SA 3130.** Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, add the following:

#### TITLE XVIII—VETERANS EDUCATION ASSISTANCE

##### SEC. 1801. REQUIREMENT FOR PROVISION OF EDUCATIONAL COUNSELING TO INDIVIDUALS BEFORE SUCH INDIVIDUALS RECEIVE EDUCATIONAL ASSISTANCE PROVIDED UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3697A of title 38, United States Code, is amended—

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

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

“(c)(1) Except as provided in paragraph (2), in the case of an individual described in subsection (b)(1), the counseling services described in subsection (a) shall be required to be provided to the individual before the individual receives the educational assistance described in such subsection.

“(2) The requirement to provide counseling services under paragraph (1) shall not apply with respect to an individual described in such paragraph who communicates to the Secretary, before receiving educational assistance described in such paragraph, that the individual declines the counseling services provided under such paragraph.

“(3) For each individual to whom the Secretary provides counseling services under paragraph (1), the Secretary shall provide to the individual, as part of such services and to the degree that information necessary to carry out this paragraph is available to the Secretary, the following:

“(A) An explanation of the different types of accreditation and State certification and licensure available to educational institutions and programs of education and a discussion of how such accreditation, certification, and licensure can be important for meeting preconditions of employment.

“(B) A discussion of how the various policies of educational institutions regarding the transfer of academic credit can affect the individual and what kinds of issues are commonly encountered by students trying to transfer academic credit.

“(C) An overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of Federal student aid can enable a student to complete a program of education without incurring significant educational debt.

“(D) An assessment of the type and amount of educational assistance available to the individual under Federal law and under the laws of the State in which the individual resides and of any other State of the individual's choosing.

“(E) A discussion of the important role that academic planning plays in completing a program of study.

“(F) A comprehensive list of educational institutions located in the State in which the individual resides and in any other State of the individual's choosing.

“(G) For each educational institution listed under subparagraph (F), the following information, if available, in a format that allows for easy comparison of educational institutions:

“(i) Whether financial assistance is available to a student enrolled in a program of education at the educational institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(ii) The number of veterans enrolled in a program of education at the educational institution who received educational assistance under a law administered by the Secretary in the most recently completed academic year.

“(iii) A list of—

“(I) academic and student support services provided by the educational institution to

students enrolled in programs of education at the educational institution, including job placement and career counseling services; and

“(II) special services or benefits currently provided by the educational institution that address the unique needs of veterans.

“(iv) With respect to the 3-year period ending at the end of the most recently completed academic year, the median amount of student loan debt held upon completion of a program of education at the educational institution by veterans described in clause (ii).

“(v) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

“(vi) With respect to the 3-year period ending at the end of the most recently completed academic year—

“(I) the average number of veterans who received a degree or certificate from the educational institution for completing a program of education;

“(II) the average number of people who received a degree or certificate from the educational institution for completing a program of education;

“(III) the average number of veterans enrolled in programs of education at the educational institution; and

“(IV) the average number of people enrolled in programs of education at the educational institution.

“(vii) In the case of an educational institution that offers a program of education designed to prepare people for a State licensure exam, the percentage of such students who take and pass such exam.

“(viii) For each program of education at the educational institution, the average amount of tuition and fees the educational institution charges a student for completing the program of education within normal time (as defined in section 668.41(a) of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)), the typical costs for books and supplies (unless those costs are included as part of tuition and fees), and the cost of room and board, if applicable, and a calculation of how much of such costs can be covered by educational assistance available to the individual under laws administered by the Secretary.

“(ix) A description of the status of the accreditation of the educational institution and each program of education offered by the educational institution.

“(x) The median, for all veterans described in subsection (b)(1) who complete a program of education at the educational institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a veteran completes a program of education at the educational institution and the date on which the veteran first obtains employment after completing such program.

“(xi) The median, for all people who complete a program of education at the educational institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a person completes a program of education at the educational institution and the date on which the person first obtains employment after completing such program.

“(xii) The percentages of veterans and the percentages of people enrolled in programs of education at the educational institution who obtain a degree or certificate within—

“(I) the normal time for completion of, or graduate from, the veteran's or person's program, as the case may be;

“(II) 150 percent of the normal time for completion of, or graduation from, the veteran’s or person’s program, as the case may be; and

“(III) 200 percent of the normal time for completion of, or graduation from, the veteran’s or person’s program, as the case may be.

“(xiii) The number of students enrolled in a program of education at the educational institution and the number of such students who submit a complaint to the Secretary under section 3693A(a) of this title.

“(xiv) Whether the educational institution has been reported by a Federal or State agency or a nationally or regionally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(xv) A description of the topics or subjects of the 3 most numerous complaints filed during the most recent 3-year period under section 3693A of this title with respect to the educational institution.

“(xvi) With respect to each of clauses (i) through (xiv), how the educational institution compares with other educational institutions as follows:

“(I) If the educational institution is a 4-year educational institution, how the educational institution compares with the average of all 4-year educational institutions.

“(II) If the educational institution is a 2-year educational institution, how the educational institution compares with the average of all 2-year educational institutions.

“(III) If the educational institution is a less than 2-year educational institution, how the educational institution compares with the average of all less than 2-year educational institutions.

“(xvii) Such other information as the Secretary considers appropriate to assist the individual in selecting an educational institution or training establishment as described in subsection (a)(1).

“(4) To the extent such information is already available to the agencies, the Secretary shall collect such information as the Secretary requires to carry paragraph (3) from the Secretary of Education, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary considers appropriate.

“(5) The Secretary shall make available to the public on an Internet website such information provided under paragraph (3) as the Secretary considers appropriate.

“(6) Making information available under paragraphs (3) and (5) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about a student.”.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and subsection (c) of section 3697A of such title, as added by such subsection, shall apply with respect to individuals who apply for educational assistance described in subsection (b)(1) of such section on or after such date.

**SEC. 1802. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING PROVIDED BY SECRETARY OF VETERANS AFFAIRS.**

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) Subject to subsection (b) of this section, educational” and inserting “Educational”.

**SEC. 1803. VETERANS’ EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.**

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

**“§ 3693A. Complaint tracking system**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals receiving educational assistance under laws administered by the Secretary who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

“(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

“(1) The system shall create an individual case number for each complaint processed and tracked in the system.

“(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

“(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

“(4) The system shall allow for the submittal of complaints by—

“(A) Internet website; and

“(B) telephone via a toll-free number that is available every day at all hours.

“(5) The system shall allow for the sharing of complaints with the following:

“(A) The educational institutions that are the subjects of the complaints.

“(B) The Secretary of Education.

“(C) The Secretary of Defense.

“(D) State approving agencies.

“(E) Nationally or regionally recognized accrediting agencies and associations.

“(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

“(c) OUTREACH.—The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection (a) of the system and process established under such subsection.

“(d) CONSIDERATION BY STATE APPROVING AGENCIES.—Whenever a State approving agency considers whether to approve a course of education of an educational institution under this chapter, the State approving agency shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

“(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant’s identity.

“(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

“3693A. Complaint tracking system.”.

**SA 3131.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

and for defense activities of the Department of Energy, to prescribe military 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 VIII, add the following:

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army’s acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the Army’s M16 rifle, M4 carbine, M9 pistol, and M249 light machine gun to other rifles, carbines, pistols, and machine guns in use by special operations forces, foreign militaries, and available commercially.

(B) An assessment of the Army’s current plans to modernize its small arms rifle, pistol, and light machine gun inventories.

(C) A comparative evaluation of the Army’s standard ammunition with other ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The operational environment in Operations Iraqi Freedom and Enduring Freedom.

(B) Future operating environments as specified or referred to in Department of Defense strategic planning documents.

(C) Modifications and improvements recently introduced to the M16, M4, and M249, as well as their potential for continued development.

(D) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) SMALL ARMS AND AMMUNITION DEFINED.—In this section, the term “small arms and ammunition” means firearms up to and including .50 caliber and shotguns and ammunition or ordnance for such firearms.

**SA 3132.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—  
(A) in paragraph (2), by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and  
(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—  
(A) by striking paragraph (1);  
(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and  
(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and  
(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and  
(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

**SA 3133.** Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**  
(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).  
(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.  
(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—  
(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;  
(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—  
(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—  
(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—  
(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

**SA 3134.** Mr. DEMINT (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1233. REPORT ON ATTACKS ON UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.**  
(a) FINDINGS.—Congress makes the following findings:

(1) Congress condemns in the strongest terms possible the attacks on the United States diplomatic missions in Libya, Egypt, and Yemen.

(2) The American people mourn the loss of our selfless public servants and offer our heartfelt condolences to the families of those killed in Benghazi, Libya.

(b) REPORTS ON ATTACKS AT UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the September 11, 2012, attack on the United States Consulate in Benghazi, Libya, the attacks on the United States Embassy in Cairo, Egypt, that began on September 11, 2012, the September 13, 2012, attack on the United States Embassy in Sana’a, Yemen, and the state of

security at United States diplomatic missions globally.

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

(A) An accounting of the events that occurred beginning on September 11, 2012, at the United States Embassy in Cairo, Egypt, and the United States Consulate in Benghazi, Libya, and on September 13, 2012, at the United States Embassy in Sana’a Yemen.

(B) An accounting of whether the United States Government had actionable intelligence before the attacks on the United States Embassy in Cairo, the United States Consulate in Benghazi, and the United States Embassy in Sana’a, including recommendations for changes in resources, collection, and analysis in the future.

(C) A statement on and assessment of the responsiveness of the respective governments’ security forces once the attacks began.

(D) An assessment of the diplomatic security response in each of the affected locations and whether different actions could have prevented or mitigated the attacks.

(E) An assessment of the level of cooperation by the Governments of Egypt, Libya, and Yemen into the investigations of the attacks and their efforts to find and hold responsible the perpetrators involved.

(F) An assessment of the state of security at United States embassies and consulates globally.

(G) An annex to include all cables, emails, and other communications regarding the security situation in Benghazi prior to and since the attack on the United States consulate and annex facility.

(c) REPORT ON RECOMMENDED CHANGES TO SECURITY PROCEDURES AT UNITED STATES EMBASSIES AND CONSULATES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing recommendations for improving security operations at United States embassies and consulates globally.

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

(A) Recommendations for improving the hiring and training of security personnel at United States embassies and consulates globally.

(B) Recommendations for improving the collection and sharing of intelligence on credible threats to United States embassies and consulates globally.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) FORM.—The reports submitted under subsections (b) and (c) shall be submitted in unclassified form, but may contain a classified annex.

**SA 3135.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

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

On page 502, line 7, strike “2013” and insert “2014”.

**SA 3136.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 506, beginning on line 2, strike “Air Force assigned to” and all that follows through line 4 and insert the following: “Air Force, the Air National Guard, or the Air Force Reserve as of May 31, 2012, including any activities carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

**SA 3137.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

**SEC. 1711. RETENTION OF LEADERSHIP RANK, AIRCRAFT, AND CORE FUNCTIONS OF THE 354TH FIGHTER WING AND THE 18TH AGGRESSOR SQUADRON AT EIELSON AIR FORCE BASE, ALASKA.**

(a) IN GENERAL.—The Secretary of the Air Force shall retain the current leadership rank, aircraft and core functions of the 354th Fighter Wing and the 18th Aggressor Squadron at Eielson Air Force Base, Alaska, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until the later of—

(1) October 1, 2013; or

(2) the date that is 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve the Secretary of the Air Force of the obligation to comply with any other conditions precedent in law or regulation which govern any proposed modification to current operations at Eielson Air Force Base after the dates referred to in paragraphs (1) and (2) of subsection (a).

**SA 3138.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 704. INCLUSION OF CERTAIN PSYCHOLOGISTS AS QUALIFIED TO SERVE AS PSYCHOLOGISTS UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Notwithstanding any other provision of law, Psychological Associates, licensed by the State of Alaska, shall be treated as psychologists for purposes of participation in the TRICARE program while providing services within their lawful scope of practice to eligible beneficiaries under the TRICARE program in the State of Alaska.

(b) TRICARE PROGRAM DEFINED.—In this section, the term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SA 3139.** Mr. BARRASSO (for himself, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.**

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

(1) The Oslo II Agreement, Wye River Memo, and Sharm el-Sheikh Memo all prohibit either party from “chang[ing] the status of the West Bank and the Gaza Strip” prior to the completion of permanent status negotiations.

(2) According to the Congressional Research Service, the United States has committed over \$4,000,000,000 in bilateral assistance to the Palestinians since the mid-1990s.

(3) According to at least one media report, the number of rockets and mortars fired at Israel from Gaza as of November 22, 2012, is more than 2,300.

(b) REDUCED ASSISTANCE TO PALESTINIAN AUTHORITY FOR UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 50 percent the total United States assistance provided to the Palestinian Authority if it seeks at any time after November 25, 2012, at the United Nations General Assembly or any other United Nations entity status different than the status it held on November 25, 2012.

(c) REDUCED ASSISTANCE TO ANY UNITED NATIONS ENTITY UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall withhold 50 percent of the total appropriated contributions to any United Nations entity if that entity grants at any time after November 25, 2012, to the Palestinian mission a status different than the status the Palestinian mission held on November 25, 2012.

(d) REDUCED ASSISTANCE TO COUNTRIES UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 20 percent the total United States assistance provided to any country voting after November 25, 2012, at the United Nations in favor of—

(1) granting a Palestinian entity status as a Member State;

(2) granting a Palestinian entity observer status as a non-Member State; or

(3) otherwise altering the status of the Permanent Observer Mission of Palestine to the United Nations so as to grant it a status that interferes with the resolution of permanent status issues between Israel and the Palestinian Authority.

(e) DURATION OF REDUCED AID.—

(1) FIRST FISCAL YEAR.—Assistance shall be reduced under subsection (b), (c), or (d) for the fiscal year in which the conditions of such subsection are met.

(2) SUBSEQUENT FISCAL YEARS.—

(A) ASSISTANCE TO PALESTINIAN AUTHORITY OR UNITED NATIONS ENTITY.—Assistance shall continue to be reduced pursuant to subsections (b) and (c) in each subsequent fiscal year until permanent status issues between Israel and the Palestinian Authority are fully resolved.

(B) ASSISTANCE TO COUNTRIES UNDERMINING STATUS NEGOTIATIONS.—Assistance shall continue to be reduced pursuant to subsection (d) until the country subject to the restriction subsequently votes at the United Nations to revert the status of the Palestinian mission back to the status it held on November 25, 2012.

(f) PRESIDENTIAL WAIVER.—The President may exempt a country from the restriction described in subsection (d) if the President determines such exemption is in the national security interests of the United States and submits to Congress a written statement explaining such national security interest.

**SA 3140.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.**

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and revise the Department of Defense’s night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense’s night vision export regulations pursuant to subsection (a).

**SA 3141.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1048. MINIMUM NUMBER OF PERSONNEL FOR THE JOINT WARFIGHTING ANALYSIS CENTER.**

The minimum number of personnel for the Joint Warfighting Analysis Center (JWAC) may not be less than 450.

**SA 3142.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

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

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

**SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

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

**SA 3143.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. CONGRESSIONAL REQUESTS UNDER THE FREEDOM OF INFORMATION ACT.**

(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **CONGRESSIONAL REQUEST.**—The term “congressional request” means a request submitted by a member of Congress to the Secretary under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) that relates to activities of the Department of Defense in the State represented by the member of Congress.

(2) **MEMBER OF CONGRESS.**—The term “member of Congress” means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Defense.

(4) **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.

(b) **RESPONSE TO CONGRESSIONAL REQUESTS.**—The Secretary shall process congressional requests in accordance with the time limitations under section 552(a)(6) of title 5, United States Code, including, as applicable, subparagraphs (D) and (E) of such section 552(a)(6).

(c) **FEES PROHIBITED.**—The Secretary may not charge a fee in connection with any congressional request.

(d) **NOTIFICATION OF STATUS OF CONGRESSIONAL REQUESTS.**—The Secretary shall notify a member of Congress of the status of a congressional request submitted by the member of Congress—

(1) at reasonable intervals; and

(2) upon the request of the member of Congress.

(e) **INFORMATION.**—If the Secretary denies a congressional request, in whole or in part, the Secretary shall provide to the member of Congress who submitted the congressional request—

(1) a particularized description of any document or information to which access is denied; and

(2) the reasons for the denial.

**SA 3144.** Mr. WEBB (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—STOLEN VALOR ACT**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Stolen Valor Act of 2012”.

**SEC. 5002. FINDINGS.**

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the serv-

ices of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization’s donors concern that the organization’s board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

**SEC. 5003. MILITARY MEDALS OR DECORATIONS.**

Section 704 of title 18, United States Code, is amended to read as follows:

**“§ 704. Military medals or decorations**

“(a) **IN GENERAL.**—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) **FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.**—

“(1) **IN GENERAL.**—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) **TANGIBLE BENEFIT OR PERSONAL GAIN.**—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) **DEFINITION.**—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”.

**SEC. 5004. SEVERABILITY.**

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to

any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

**SA 3145.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.**

(a) **STUDY REQUIRED.**—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) **REPORT AND PLAN.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

**SA 3146.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appro-

priations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that the Secretary believes the Government of India should acquire in order to enhance cooperation and coordination with the United States Government on matters of shared security interests.

(b) **COMPREHENSIVE POLICY REVIEW.**—

(1) **IN GENERAL.**—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) **SCOPE.**—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft to succeed the United States Air Force's T-38 aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) **SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.**—It is the sense of Congress that the Department of Defense should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3147.** Mr. HARKIN submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 526. REPORT ON STANDARDS FOR AUDITORY FITNESS-FOR-DUTY OF MEMBERS OF THE ARMED FORCES.**

(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 the Secretaries of the military departments—

(1) develop auditory fitness-for-duty standards for members of the Armed Forces on active duty that accurately reflect essential operational requirements for such members, as well as available accommodations to meet such standards; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the updated standards to be used by the military departments to determine the auditory fitness-for-duty of members of the Armed Forces on active duty.

(b) **ELEMENTS IN CONNECTION WITH UPDATED STANDARDS.**—If an updated standard to be used for determining the auditory fitness-for-duty of members of the Armed Forces on active duty differs from a standard currently or recently used for that purpose, the report shall include a description of the difference between the two standards and an assessment of the impact of such updated standard on members of the Armed Forces on active duty who have auditory impairments.

**SA 3148.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 526. PILOT PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS IN CRITICAL MILITARY SPECIALTIES.**

(a) **PILOT PROGRAM REQUIRED.**—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a pilot program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force in order to fill the needs of the Air Force for officers in critical military specialties.

(b) **CANDIDATES.**—

(1) **NUMBER OF CANDIDATES.**—The number of individuals with auditory impairments who may participate in the pilot program shall be not less than 15 individuals and not more than 20 individuals.

(2) **MIX AND RANGE OF AUDITORY IMPAIRMENTS.**—The individuals who participate in the pilot program shall include individuals who are deaf and individuals having a range of other auditory impairments.

(3) **QUALIFICATION FOR ACCESSION.**—Any individual who participates in the pilot program shall meet all essential qualifications

for accession as an officer in the Air Force, other than those relating to having an auditory impairment.

(c) **BASIC TRAINING.**—The individuals who participate in the pilot program shall undergo, at the election of the Secretary, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(d) **SPECIALTY TO WHICH ASSIGNABLE.**—An individual participating in the pilot program who successfully completes the training course selected for the individual under subsection (c) shall be assigned, at the election of the Secretary, to a specialty for which the individual is otherwise qualified as follows:

- (1) Judge advocate.
- (2) A specialty performing intelligence functions.
- (3) A specialty performing medical functions, dental functions, medical service functions, nursing functions, or biomedical science functions.
- (4) A specialty performing chaplain functions.
- (5) Any other critical military specialty of the Air Force specified by the Secretary for purposes of the pilot program.

(e) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

- (1) A description of the pilot program and the participants in the pilot program.
- (2) The outcomes of the pilot program.
- (3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

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

- (1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services, the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives.

**SA 3149.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CLAIMS RELATING TO URANIUM MINING.**

(a) **REFERENCES.**—Except as otherwise specifically provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Radiation Exposure Compensation Act (Public Law 101-426; 42 U.S.C. 2210 note).

(b) **DATES.**—

(1) **EMPLOYEES OF MINES AND MILLS.**—Section 5(a)(1)(A)(i) is amended by striking “December 31, 1971; and” and inserting “December 31, 1990; or”.

(2) **DATES OF OPERATION OF URANIUM MINE.**—Section 5(a)(2)(A) is amended by striking

“December 31, 1971” and inserting “December 31, 1990”.

(c) **CLAIMS RELATING TO ATMOSPHERIC TESTING.**—

(1) **LEUKEMIA CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.**—Section 4(a)(1)(A) is amended—

- (A) in clause (i)—
  - (i) in subclause (II)—
    - (I) by striking “in the affected area” and inserting “in an affected area”; and
    - (II) by striking “or” after the semicolon;
  - (ii) by redesignating subclause (III) as subclause (IV); and
  - (iii) by inserting after subclause (II) the following:
 

“(III) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or”;
- (B) in clause (ii)(I), by striking “physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)” and inserting “physical presence described in subclause (I), (II), or (III) of clause (i) or onsite participation described in clause (i)(IV)”.

(2) **SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.**—Section 4(a)(2) is amended—

- (A) in subparagraph (A), by striking “in the affected area” and inserting “in an affected area”;
- (B) in subparagraph (B)—
  - (i) by striking “in the affected area” and inserting “in an affected area”; and
  - (ii) by striking “or” at the end;
- (C) by redesignating subparagraph (C) as subparagraph (D); and
- (D) by inserting after subparagraph (B) the following:
 

“(C) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or”.

(3) **DEFINITION.**—Section 4(b)(1) is amended to read as follows:

- “(1) ‘affected area’ means—
- “(A) except as provided under subparagraph (B)—
- “(i) in the State of Utah, the counties of Washington, Iron, Kane, Garfield, Sevier, Beaver, Millard, Wayne, San Juan, and Piute;
- “(ii) in the State of Nevada, the counties of White Pine, Nye, Lander, Lincoln, Eureka, and that portion of Clark County that consists of townships 13 through 16 at ranges 63 through 71; and
- “(iii) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila, and that part of Arizona that is north of the Grand Canyon; and
- “(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or (2)(C), only the counties of De Baca, Guadalupe, Lincoln, Otero, San Miguel, Socorro, and Torrance in New Mexico.”

(4) **CONFORMING AMENDMENTS.**—Section 6 is amended—

- (A) in subsection (c)(2)(A)(i), by striking “in the affected area” and inserting “in an affected area”; and
- (B) in subsection (e), by striking “in the affected area” and inserting “in an affected area”.

**SA 3150.** Mr. UDALL of New Mexico (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.**

(a) **PROCUREMENT OF PHOTOVOLTAIC DEVICES.**—The Secretary of Defense shall ensure that each contract described in subsection (b) 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, United States Code (commonly known as the “Buy American Act”), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

(b) **COVERED CONTRACTS.**—The contracts described in this subsection include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are—

- (1) installed on property or in a facility owned by the Department of Defense; and
- (2) generate power consumed predominantly by the Department and counted toward Federal renewable energy purchase requirements.

(c) **COMPLIANCE WITH INTERNATIONAL OBLIGATIONS.**—Subsection (a) shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) **PHOTOVOLTAIC DEVICES DEFINED.**—In this section, the term “photovoltaic devices” means devices that convert light directly into electricity.

(e) **EFFECTIVE DATE.**—This section applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the this Act pursuant to contracts entered into on or after such date of enactment.

(f) **SUNSET.**—

(1) **IN GENERAL.**—This section shall expire on the date that is one year after the date of the enactment of this Act.

(2) **CONTINUING EFFECTIVENESS OF CONTRACTS AFTER SUNSET.**—Nothing in paragraph (1) shall be construed to terminate the effectiveness after the sunset date provided for in that paragraph of any contract awarded by the Department of Defense and subject the provisions of this section while such contract remains in force.

(g) **CONSTRUCTION WITH OTHER AUTHORITY.**—Nothing in this section shall be construed to terminate the effectiveness of the applicability of the provisions of the section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) to contracts that are awarded by the Department of Defense before the effective date provided for in subsection (e) or after the sunset date provided for in subsection (f)(2).

**SA 3151.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 10 and 11, insert the following:

**SEC. 924A. USE OF NATIONAL SECURITY LABORATORIES IN DEVELOPMENT OF THE NEXT-GENERATION HOST-BASED CYBERSECURITY SYSTEM.**

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

(1) cybersecurity is a top priority of the United States; and

(2) the national security laboratories of the National Nuclear Security Administration are a national resource that can be used to develop effective solutions to cybersecurity challenges.

(b) COLLABORATION REQUIRED.—The Chief Information Officer of the Department of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall collaborate with the Administrator for Nuclear Security to use the research, engineering, and technological resources of the national security laboratories in developing the strategy to acquire next-generation host-based cybersecurity tools and capabilities for the Department of Defense required by section 924(a).

(c) NATIONAL SECURITY LABORATORY DEFINED.—In this section, the term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

**SA 3152.** Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 18 and 19, insert the following:

(2) shall include with the estimate under paragraph (1)—

(A) an estimate of the costs of using and upgrading existing United States Government foundries for defense use; and

(B) an assessment whether it is more cost effective to use and upgrade existing United States Government foundries for shared use when compared with developing and building the Next Generation Foundry for the Defense Microelectronics Activity, which assessment shall—

(i) include an analysis of existing foundries of the National Nuclear Security Administration;

(ii) identify any program or function that would be duplicated by the Next Generation foundry; and

(iii) assess the value of maintaining such duplication and whether increasing existing United States Government capabilities is a more cost effective solution to meet mission requirements; and

**SA 3153.** Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. ESTABLISHMENT OF NATIONAL CENTER FOR ALGAL BIOTECHNOLOGY.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Energy shall jointly select, on a competitive basis, from among organizations described in subsection (d), an organization to serve as a National Center for Algal Biotechnology.

(b) PURPOSES.—The purposes of the National Center for Algal Biotechnology shall be—

(1) to advance research and development in support of the strategic goals of the Department of Defense relating to energy production and technology development for national defense under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.); and

(2) to advance research relating to energy independence and other national security objectives, as determined by the Secretary of Defense and the Secretary of Energy.

(c) DUTIES.—The National Center for Algal Biotechnology shall—

(1) foster innovation, education, and entrepreneurial activities to support the commercialization of bio algae fuel and improve its cost effectiveness;

(2) work to integrate a phenomics, transcriptomics, proteomics, and metabolomics pipeline into an existing facility that focuses on algal biotechnology research; and

(3) partner with algae test-bed and production facilities.

(d) ORGANIZATIONS DESCRIBED.—An organization described in this subsection is an organization that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; and

(2) has a preexisting relationship with a federally funded research and development center.

**SA 3154.** Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. IDENTIFICATION OF OPPORTUNITIES FOR BIOFUELS RESEARCH AND REPORT ON USE OF BIOFUELS BY THE DEPARTMENT OF DEFENSE.**

(a) IDENTIFICATION OF OPPORTUNITIES TO INCREASE BIOFUELS RESEARCH.—The Secretary of Energy and the Secretary of Defense shall jointly identify and assess opportunities to increase research relating to biofuels at the national laboratories of the Department of Energy with the goals of decreasing the cost of biofuels for use by the Department of Defense and decreasing the dependence of the United States on foreign sources of fuel.

(b) 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 assessing the extent to which the use of biofuels by the Department of Defense could offset the increasing fossil fuel demand of the Department.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A projection of the fuel demands of each military department during the five-year period beginning on the date of the enactment of this Act that includes—

- (i) the type of fuel expected to be used;
- (ii) the expected annual usage; and
- (iii) projected transportation costs.

(B) An assessment of opportunities for the military departments to decrease the use of fossil fuels.

**SA 3155.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 112. SMALL UNIT SUPPORT VEHICLE.**

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

(1) The Secretary of Defense has directed a strategic shift in focus for the Department of Defense to the Asia-Pacific Theatre.

(2) The only Arctic regions of the United States are within the Asia-Pacific Theatre.

(3) The conditions presented by terrain in Arctic regions is the harshest on the earth, and the Armed Forces must be able to operate in the conditions caused by such terrain.

(4) Unique equipment is needed to be able to effectively survive and operate in such conditions.

(5) Among the unique equipment used by Army units to operate in such conditions is the Small Unit Support Vehicle (SUSV).

(6) The Small Unit Support Vehicle is no longer a program of record among the acquisition programs of the Army, and there are no current plans to acquire new models of the Small Unit Support Vehicle.

(7) The Canadian equivalent of the Small Unit Support Vehicle was successfully used in combat in Afghanistan in 2002 in harsh terrain.

(8) Military units currently using the Small Unit Support Vehicle must use a method of “cannibalization” that pulls parts from other vehicles in order to repair inoperable ones.

(9) If a solution to the problem of inadequate supplies of replacement parts for the Small Unit Support Vehicle is not found, there will be a gap in national security of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the following:

(1) An assessment of the current and anticipated requirements of the Army for a vehicle that can operate in rugged terrain and in extreme climates such as those in the Arctic.

(2) An assessment of the current supply chain for the Small Unit Support Vehicle.

(3) An assessment of the needs of the Army for a new vehicle that meets the requirements of both the regular and the reserve components of the Army for operations in rugged terrain and extreme conditions such as those in the Arctic.

**SA 3156.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1048. REPORT ON PROPOSED ACTIVITIES AT EIELSON AIR FORCE BASE, ALASKA.**

(a) IN GENERAL.—Prior to the commencement of procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) related to the transfer of aircraft, the demolition of facilities and infrastructure, or the modification in leadership rank, core functions, mission elements, responsibilities, and capabilities of Eielson Air Force Base, Alaska, as they existed as of November 1, 2011, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to the congressional defense committees a report on the rationale for such transfer, demolition, or modification.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an analysis of the strategic value of Eielson Air Force Base to operations in the Pacific Area of Responsibility and elsewhere;

(2) the usefulness of Eielson Air Force Base to potential future missions, including military and humanitarian missions in a changing Arctic region;

(3) the basing of F-35 aircraft;

(4) the potential for relocation of combat coded aircraft from overseas bases;

(5) maintenance and expansion of the North Pacific air refueling bridge;

(6) remote piloted vehicle basing; and

(7) proximity of Eielson Air Force Base to the Joint Pacific Alaska Range Complex.

**SA 3157.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. INCLUSION OF CERTAIN MODIFICATIONS TO CORE FUNCTIONS OR AIRCRAFT AT MILITARY INSTALLATIONS IN DEFINITION OF REALIGNMENT.**

Section 2687(e)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except that such term does include a reduction of force resulting from a modification in core functions or aircraft at an Air Force installation during fiscal years 2013, 2014, or 2015 that otherwise meets the criteria of subsection (a)”.

**SA 3158.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

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

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department’s data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans’ Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA’s transformation to better serve Veterans.”

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two

previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary’s overall claims processing transformation plan.

**SA 3159.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 146. MQ-9 REAPER UNMANNED AERIAL VEHICLES.**

(a) ADDITIONAL AMOUNT FOR AIR FORCE PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$36,800,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement for the Air Force for procurement of unmanned aerial vehicles as specified in the funding table in section 4101.

(b) AVAILABILITY.—The amount authorized and made available by subsection (a) may be obligated and expended for the procurement of an MQ-9 Reaper unmanned aerial vehicle.

**SA 3160.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 8, insert before the period the following: “, unless the transition results

in a permanent change of station and shipment of household goods”.

**SA 3161.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.**

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Assisting in the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SA 3162.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 735. COORDINATION OF ACTIVITIES ON RESEARCH, PREVENTION, AND TREATMENT RELATING TO POST-TRAUMATIC STRESS DISORDER.**

(a) DESIGNATION OF COORDINATING ORGANIZATION.—The President shall designate, and may redesignate from time to time, the head of an appropriate department or agency of the Federal Government to coordinate all research activities and prevention and treatment efforts undertaken or funded by the Executive Branch of the Federal Government on post-traumatic stress disorder.

(b) PUBLIC ADVISORY COMMITTEE.—

(1) IN GENERAL.—Not later than June 27, 2013, the head of the department or agency designated under subsection (a) shall establish an advisory committee to provide advice to the head of that department or agency on

proposed studies, plans, or strategies relating to research activities and prevention and treatment efforts described in such subsection.

(2) COMPOSITION.—The advisory committee established under paragraph (1) shall consist of consisting of the following:

(A) Members of the general public.

(B) Experts in the field of mental health.

(C) Veterans who served in the Armed Forces on active duty and were deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) after September 1, 2001.

(D) Representatives of such veterans.

(E) Representatives of Government departments or agencies conducting research activities or prevention or treatment described in subsection (a).

(3) CONSULTATION.—The department or agency head described in paragraph (1) shall consult with the advisory committee established under such paragraph on a regular basis.

(c) REPORT.—Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the appropriate committees of Congress a report on the status and results of all research, prevention, and treatment activities undertaken by or for the Executive Branch of the Federal Government during the previous year relating to post-traumatic stress disorder.

(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the Executive Branch relating to post-traumatic stress disorder research, prevention, and treatment activities are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that appropriate departments consult and coordinate in carrying out an ongoing program to provide information to veterans described in subsection (b)(2)(C) relating to the following:

(1) The kinds of physical and mental conditions and injuries that have been incurred by members of the Armed Forces and veterans as a result of service described in subsection (b)(2)(C), particularly with respect to post-traumatic stress.

(2) Any services or benefits available with respect to such conditions and injuries.

(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 Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

**SA 3163.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.**

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and re-

view the Department of Defense's night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense's night vision export regulations pursuant to subsection (a).

**SA 3164.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.**

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

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

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow-up report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance

Act of 1961 and subject to the provisions of this subsection.

**SA 3165.** Mr. REED (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—HOUSING ASSISTANCE FOR VETERANS**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Housing Assistance for Veterans Act of 2012” or the “HAVEN Act”.

**SEC. 5002. DEFINITIONS.**

In this division:

(1) DISABLED.—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term “eligible veteran” means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.****(a) GRANT.—**

(1) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

**(b) APPLICATION.—**

(1) **IN GENERAL.**—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).

(c) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) **USE OF FUNDS.**—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) **OVERSIGHT.**—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

**(f) MATCHING FUNDS.—**

(1) **IN GENERAL.**—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) **IN-KIND CONTRIBUTIONS.**—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) **LIMITATION COST TO THE VETERANS.**—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

**(h) REPORTS.—**

(1) **ANNUAL REPORT.**—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to edu-

cate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out this division \$4,000,000 for each of fiscal years 2013 through 2017.

**SA 3166.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

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

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

**SA 3167.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. UNITED STATES SECRET SERVICE RETIREMENT.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that members of the United States Secret Service Division and the United States Secret Service Uniformed Division hired between January 1, 1984 and December 31, 1986 were promised that, in part as a recruitment and retention tool, they would be eligible to participate in the District of Columbia Police and Firefighters Retirement System.

(b) AUTHORITY OF CERTAIN MEMBERS OF UNITED STATES SECRET SERVICE TO ELECT COVERAGE UNDER DISTRICT OF COLUMBIA POLICE AND FIREFIGHTER RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) is amended—

(A) by striking “Whenever any member” and inserting “(1) IN GENERAL.—Whenever any member”; and

(B) by adding at the end the following new paragraph:

“(2) COVERAGE OF CERTAIN OTHER EMPLOYEES OF SECRET SERVICE.—

“(A) IN GENERAL.—Paragraph (1) shall apply with respect to a covered employee in the same manner as such paragraph applies to an individual who is authorized to make a transfer of funds under such paragraph, but only if—

“(i) not later than 60 days after receiving notification of the transition cost associated with the application of paragraph (1) to the covered employee (as provided under section 1084(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 2013), the covered employee provides a notification to the Director of the United States Secret Service containing such information and assurances as the Director may require; and

“(ii) on or before the date the covered employee provides a notification under clause (i), the employee makes a lump sum payment in an amount equal to the transition cost associated with the application of paragraph (1) to the covered employee, determined in accordance with section 1084(b)(3) of the National Defense Authorization Act for Fiscal Year 2013, for deposit into the Contributions for Annuity Benefits, United States Secret Service appropriations account of the Department of Homeland Security.

“(B) ADJUSTMENT TO REFLECT SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS.—In the case of a covered employee who authorizes a transfer of funds under paragraph (1), such covered employee shall be subject to the same deductions and shall be entitled to the same benefits as provided for under paragraph (1), subject to offset in accordance with section 103(e) of Public Law 100-238 (5 U.S.C. 8334 note).

“(C) COVERED EMPLOYEE DEFINED.—In this paragraph, the term ‘covered employee’ means an individual who—

“(i) was appointed during 1984, 1985, or 1986—

“(I) as a member of the United States Secret Service Uniformed Division as defined under section 10201(1) of title 5, United States Code; or

“(II) to the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code;

“(ii) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

“(iii) is serving as an officer or member of the United States Secret Service Uniformed Division as defined under section 10201(1) of

title 5, United States Code, or is employed by the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code; and

“(iv) is covered under the Federal Employees' Retirement System under chapter 84 of title 5, United States Code, on the date of enactment of this paragraph.”.

(2) NOTIFICATIONS.—

(A) INITIAL NOTIFICATION BY SECRET SERVICE.—Not later than 30 days after the date of the enactment of this Act, the Director of the United States Secret Service shall notify each covered employee that the covered employee may execute an election under this paragraph to have paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) apply with respect to the covered employee.

(B) NOTIFICATION OF TRANSITION COST.—Not later than 15 days after determining the amount of the transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) to a covered employee (in accordance with paragraph (3)), the Director of the United States Secret Service shall notify the covered employee of such transition cost.

(3) TRANSITION COST.—

(A) DETERMINATION OF AMOUNT.—The transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act to a covered employee is the amount by which—

(i) the estimated present value of the payments which would be payable by the Federal Government to the District of Columbia with respect to such employee during the 11-fiscal year period beginning with the fiscal year in which this Act is enacted if such paragraph applies with respect to the covered employee, exceeds

(ii) the estimated present value of the benefits which would be payable from the Civil Service Retirement and Disability Fund with respect to such employee during the 11-year period described in clause (i) if such paragraph does not apply with respect to the covered employee.

(B) DETERMINATION.—

(i) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Office of Pay and Retirement Services of the District of Columbia shall determine the transition cost with respect to each covered employee, by applying such assumptions and other methodologies as the Office of Pay and Retirement Services of the District of Columbia considers appropriate, consistent with generally accepted actuarial practices and standards.

(ii) ADDITIONAL RESOURCES.—

(I) IN GENERAL.—The Office of Pay and Retirement Services of the District of Columbia may enter into contracts as necessary to enable that Office to carry out activities under this subparagraph.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed \$75,000 to carry out this subparagraph.

(4) DEFINITION.—In paragraphs (2) and (3), the term “covered employee” means an individual described in paragraph (2) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code), as added by paragraph (1).

(C) FORFEITURE OF EMPLOYER CONTRIBUTIONS FOR THRIFT SAVINGS PLAN.—

(1) IN GENERAL.—A covered employee shall forfeit all contributions to the Thrift Savings Fund made by an employing agency pursuant to section 8432(c) of title 5, United

States Code, for the benefit of the covered employee before the effective date of the election made by the employee under subsection (b)(2) of this section.

(2) DEFINITION.—In this subsection, the term “covered employee” means an individual described in subparagraph (C) of subsection (b)(2) of the Policemen and Firemen's Retirement and Disability Act, as added by this section, who provides a notification in accordance with subparagraph (A) of such subsection (b)(2).

(d) TREATMENT OF REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—For purposes of section 8468 of title 5, United States Code, a covered employee (as defined in subsection (c)(2)) who is receiving benefits under the Policemen and Firemen's Retirement and Disability Act pursuant to an election made under subsection (b)(2) shall be deemed to be an annuitant, as defined under section 8401 of title 5, United States Code.

(2) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including regulations under which an employing agency shall accept the certification of the appropriate official of the government of the District of Columbia regarding the amount of retirement benefits being paid to a covered District of Columbia retiree for a period during which such retiree is employed in an appointive or elective position with the agency.

**SA 3168.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Other Matters**

**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

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

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National

Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested "contractor assurance" approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a "high risk" designation and found there to be insufficient qualified Federal acquisition professionals to "plan, direct, and oversee project execution".

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

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be rejected;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished; and

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities.

**SA 3169.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a

contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term "small arms" means firearms up to but not including .50 caliber and shotguns.

(2) The term "small arms ammunition" means ammunition or ordnance for firearms up to but not including .50 caliber and shotguns.

**SA 3170.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

(a) REDUCTION OF DUPLICATION.—

(1) PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health,

the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (GAO-12-342SP). The plan shall include specific objectives, actions, and schedules.

(2) PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) ENHANCEMENT OF TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) ADDITIONAL INTERNET WEBSITE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.—In this subsection, the term "covered research, development, test, and evaluation funds" means amounts authorized to be appropriated for the Department of Defense for a fiscal year after fiscal year 2013 for research, development, test, and evaluation.

(C) PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.—

(1) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) FOREIGN COMPARATIVE TESTING PROGRAM.—

(A) IN GENERAL.—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, combat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(d) WAIVER.—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SA 3171.** Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BAR-RASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.**

No amounts may be appropriated or otherwise made available for contributions to the United Nations if the Security Council or General Assembly of the United Nations grants Palestine, the Palestinian Liberation Organization, or the state of Palestine a change in United Nations status from a permanent observer "entity" before the Secretary of State certifies to Congress that a comprehensive peace agreement has been reached with the sovereign state of Israel.

**SA 3172.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1233. REPORTS ON SYRIA.**

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

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

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of whether active support from the United States to opposition forces would have a positive or negative impact on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

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

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A detailed plan to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on all the support provided to opposition political forces in Syria.

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

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have re-

ceived and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(d) FORM.—The reports required by this section may be submitted in a classified form, but shall include an unclassified summary.

**SA 3173.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

(a) REDUCTION OF DUPLICATION.—

(1) PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (GAO-12-342SP). The plan shall include specific objectives, actions, and schedules.

(2) PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) ENHANCEMENT OF TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) **ADDITIONAL INTERNET WEBSITE.**—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) **COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.**—In this subsection, the term “covered research, development, test, and evaluation funds” means amounts authorized to be appropriated for the Department of Defense for a fiscal year after fiscal year 2013 for research, development, test, and evaluation.

(C) **PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.**—

(1) **LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.**—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) **FOREIGN COMPARATIVE TESTING PROGRAM.**—

(A) **IN GENERAL.**—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) **LIMITATION ON AVAILABILITY OF FUNDS.**—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, combat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(D) **WAIVER.**—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SA 3174.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES.**

(a) **IN GENERAL.**—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual who—

“(A) the Secretary determines served in combat support of the Armed Forces (including combat support involving any covert action of the United States, as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b)) in the Kingdom of Laos during the period beginning on February 28, 1961, and ending on May 15, 1975; and

“(B) at the time of the individual’s death was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

**SA 3175.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 344. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.**

(a) **LIMITATION.**—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) **EXCEPTION.**—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.

(c) **MAINTAINED LEVELS.**—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

**SA 3176.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. REPORT ON COLLOCATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the collocation of Air Force Materiel Command organizations.

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

(1) An assessment of the efficiencies and effectiveness associated with the collocation of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(C) Operational Test and Evaluation.

(D) Follow-on Operational Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands responsible for initial and follow-on test and evaluation of systems.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

**SA 3177.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE, FLORIDA.**

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission regarding such military installation contained in the report transmitted by the President to Congress in accordance with section 2914(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), until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

**SA 3178.** Mrs. HUTCHISON submitted an amendment intended to be proposed

by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 585. AWARD OF PURPLE HEART TO MEMBERS OF THE ARMED FORCES WHO WERE VICTIMS OF THE ATTACKS AT RECRUITING STATION IN LITTLE ROCK, ARKANSAS, AND AT FORT HOOD, TEXAS.**

(a) **AWARD REQUIRED.**—The Secretary of the military department concerned shall award the Purple Heart to the members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a member of the Armed Forces whose wound was the result of the willful misconduct of the member.

**SA 3179.** Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle I—Safeguarding United States Satellite Leadership and Security**

**SEC. 1091. SHORT TITLE.**

This subtitle may be cited as the “Safeguarding United States Satellite Leadership and Security Act of 2012”.

**SEC. 1092. AUTHORITY TO DETERMINE APPROPRIATE EXPORT CONTROLS FOR SATELLITES AND RELATED ITEMS.**

Notwithstanding any other provision of law, the President is authorized to determine the appropriate export controls of satellites and related items and transfer such items based on national security and foreign policy objectives from the jurisdiction of the International Traffic in Arms Regulations (22 CFR part 120 et seq.) to the Export Administration Regulations (15 CFR part 730 et seq.), consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

**SEC. 1093. PROHIBITION ON TRANSFERS TO THE PEOPLE’S REPUBLIC OF CHINA.**

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092 may be transferred, directly or indirectly, to the Government of the People’s Republic of China or any entity or person in or acting for or on behalf of the People’s Republic of China or launched in the People’s Republic of China or as part of a launch vehicle owned, operated, or manufactured by the Government of the People’s Republic of China.

**SEC. 1094. PROHIBITION ON TRANSFERS TO STATE SPONSORS OF TERRORISM AND NORTH KOREA.**

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092

may be transferred, directly or indirectly, to—

(1) North Korea, Cuba, Iran, Sudan, Syria, or any country that is designated by the Secretary of State as supporting international terrorism under section 6 of the Export Administration Act (50 U.S.C. App. 2405(j) (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(2) any entity or person in or acting for or on behalf of such a country; or

(3) as part of a launch vehicle owned, operated, or manufactured by the government of such a country.

**SEC. 1095. RULE OF CONSTRUCTION REGARDING PRESIDENTIAL WAIVER AUTHORITY.**

Nothing in this subtitle shall be construed as removing or limiting the waiver authority of the President under part 126 of the International Traffic in Arms Regulations (22 CFR part 126), as in effect on the date of the enactment of this Act.

**SEC. 1096. RULE OF CONSTRUCTION REGARDING SPECIAL EXPORT CONTROL AUTHORITIES.**

Nothing in this subtitle shall be construed as removing or limiting existing authorities of the President under section 1514 (a) and (b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) with respect to defense articles that remain subject to the jurisdiction of the International Traffic in Arms Regulations or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.

**SA 3180.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.**

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

**“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.**

**“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—**

**“(1) IN GENERAL.—**For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

**“(2) CONTENTS.—**The scientific framework with respect to a recalcitrant cancer shall include the following:

**“(A) CURRENT STATUS.—**

**“(i) REVIEW OF LITERATURE.—**A summary of findings from the current literature in the areas of—

**“(I) the prevention, diagnosis, and treatment of such cancer;**

**“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and**

**“(III) the epidemiology of such cancer.**

**“(ii) SCIENTIFIC ADVANCES.—**The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

**“(iii) RESEARCHERS.—**A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

**“(iv) COORDINATED RESEARCH INITIATIVES.—**The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

**“(v) RESEARCH RESOURCES.—**The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

**“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—**The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

**“(C) RECOMMENDATIONS.—**Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

**“(i) RESEARCHERS.—**Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

**“(ii) COORDINATED RESEARCH INITIATIVES.—**Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

**“(iii) RESEARCH RESOURCES.—**Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

**“(3) TIMING.—**

**“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—**For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

**“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and**

**“(ii) review and update the scientific framework not later than 5 years after its initial development.**

**“(B) OTHER UPDATES.—**The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

**“(4) PUBLIC NOTICE.—**With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

**“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and**

**“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.**

**“(b) IDENTIFICATION OF RECALCITRANT CANCER.—**

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”

**SA 3181.** Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. SENSE OF THE SENATE ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.**

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

(1) The Secretary of Defense has stated that “[t]he area of climate change has a dramatic impact on national security”.

(2) The 2010 National Security Strategy states that “the danger from climate change is real, urgent and severe”.

(3) The 2010 Quadrennial Defense Review states that “[c]limate change and energy are two key issues that will play a significant role in shaping the future security environment”.

(4) The 2010 Quadrennial Defense Review notes a 2008 assessment by the National Intelligence Council, which found that “more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels”.

(5) The Defense Science Board issued a report in October 2011 on Trends and Implications of Climate Change for National and International Security, which stated that “the effectiveness of adaptation will have significant national and international security implications”.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

**SA 3182.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

**SA 3183.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

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

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

**SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”

**SA 3184.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

**SEC. 561. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ACTIONS ON INELIGIBILITY OF CERTAIN PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION FOR PARTICIPATION IN PROGRAMS OF EDUCATIONAL ASSISTANCE.**

(a) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3681 the following new section:

**“§ 3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance**

“(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Veterans Affairs shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

“(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department under chapters 30, 31, 32, 33, 34, and 35 of this title.

“(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Veterans Affairs shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

“(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department that provides information to persons described in paragraph (1), of the following:

“(A) The name of the institution.

“(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

“(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

“(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3681 the following new item:

“3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.”.

(b) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

“§2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance

“(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Defense shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

“(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department of Defense as follows:

“(1) This chapter.

“(2) Chapters 105, 106A, 1606, 1607, and 1608 of this title.

“(3) Section 1784a of this title.

“(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Defense shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

“(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department of Defense that provides information to persons described in paragraph (1), of the following:

“(A) The name of the institution.

“(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

“(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

“(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of

such title is amended by inserting after the item relating to section 2008 the following new item:

“2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.”.

**SEC. 562. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.**

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)(24)—

(A) by inserting “that receives funds provided under this title” before “, such institution”; and

(B) by striking “other than funds provided under this title, as calculated in accordance with subsection (d)(1)” and inserting “other than Federal educational assistance, as defined in subsection (d)(5) and calculated in accordance with subsection (d)(1)”; and

(2) in subsection (d)—

(A) in the subsection heading, by striking “NON-TITLE IV” and inserting “NON-FEDERAL EDUCATIONAL”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “that receives funds provided under this title” before “shall”; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking “assistance under this title” and inserting “Federal educational assistance”; and

(II) in clause (ii)(I), by inserting “, or on a military base if the administering Secretary for a program of Federal educational assistance under clause (ii), (iii), or (iv) of paragraph (5)(B) has authorized such location” before the semicolon;

(iii) in subparagraph (C), by striking “program under this title” and inserting “program of Federal educational assistance”;

(iv) in subparagraph (E), by striking “funds received under this title” and inserting “Federal educational assistance”; and

(v) in subparagraph (F)—

(I) in clause (iii), by striking “under this title” and inserting “of Federal educational assistance”; and

(II) in clause (iv), by striking “under this title” and inserting “of Federal educational assistance”;

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) INELIGIBILITY.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a proprietary institution of higher education receiving funds provided under this title that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in or receive funds under any program of Federal educational assistance for a period of not less than two institutional fiscal years.

“(ii) REGAINING ELIGIBILITY.—To regain eligibility to participate in or receive funds under any program of Federal educational assistance after being ineligible pursuant to clause (i), a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements for the program for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible. In order to regain eligibility to participate in any program of Federal educational assistance under this title, such compliance shall include meeting the requirements of section 498 for such 2-year period.

“(iii) NOTIFICATION OF INELIGIBILITY.—The Secretary of Education shall determine when a proprietary institution of higher education

that receives funds under this title is ineligible under clause (i) and shall notify all other administering Secretaries of the determination.

“(iv) ENFORCEMENT.—Each administering Secretary for a program of Federal educational assistance shall enforce the requirements of this subparagraph for the program concerned upon receiving notification under clause (iii) of a proprietary institution of higher education’s ineligibility.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “In addition” and all that follows through “education fails” and inserting “Notwithstanding any other provision of law, in addition to such other means of enforcing the requirements of a program of Federal educational assistance as may be available to the administering Secretary, if a proprietary institution of higher education that receives funds provided under this title fails”; and

(bb) by striking “the programs authorized by this title” and inserting “all programs of Federal educational assistance”; and

(II) in clause (i), by inserting “with respect to a program of Federal educational assistance under this title,” before “on the expiration date”;

(D) in paragraph (4)(A), by striking “sources under this title” and inserting “Federal educational assistance”; and

(E) by adding at the end the following:

“(5) DEFINITIONS.—In this subsection:

“(A) ADMINISTERING SECRETARY.—The term ‘administering Secretary’ means the Secretary of Education, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Homeland Security, or the Secretary of a military department responsible for administering the Federal educational assistance concerned.

“(B) FEDERAL EDUCATIONAL ASSISTANCE.—The term ‘Federal educational assistance’ means funds provided under any of the following provisions of law:

“(i) This title.

“(ii) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.

“(iii) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

“(iv) Section 1784a of title 10, United States Code.”.

**SA 3185.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report listing all assessed and voluntary contributions, including in-kind, of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) CONTENTS.—Each report required under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions, including in-kind,

of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

(c) PUBLIC AVAILABILITY OF INFORMATION.—Not later than two weeks after submitting each report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

**SA 3186.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term "small arms" means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term "small arms ammunition" means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

**SA 3187.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.**

(a) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking "to the Under Secretary" before the period and inserting "directly to the Under Secretary, without the interposition of any other supervising official".

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking "may" and inserting "shall".

(c) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

"(8) RESOURCES.—

"(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

"(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. The resources for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation."

(d) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking "JOINT";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting "(1)" before "Not later than March 31";

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking "jointly" and inserting "each"; and

(5) by adding at the end the following new paragraph:

"(2) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

"(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

"(B) the report shall be transmitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics at the same time it is submitted to the congressional defense committees."

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 28, 2012, at 2 p.m., to hold a nominations hearing.

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

**SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS AND INTERNATIONAL ENVIRONMENTAL PROTECTION**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 28, 2012, at 10 a.m., to hold an International Development and Foreign Assistance, Economic Affairs and International Environmental Protection subcommittee hearing entitled, "Evaluating Current U.S. Global Food Security Efforts and Determining Future U.S. Leadership Opportunities."

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

**PRIVILEGES OF THE FLOOR**

Mr. MERKLEY. Mr. President, I ask unanimous consent that Jesse Marseille, an intern in my office, be granted the privilege of the floor for the duration of the day.

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

Ms. MURRAY. Mr. President, I ask unanimous consent that Maj. Megan A. Kinne, a U.S. Air Force officer who is currently serving as a defense legislative fellow this year in Senator REID's office, be granted floor privileges for the duration of S. 3254, the National Defense Authorization Act for 2013.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that LCDR Todd Ladwig, a Navy fellow in my office, and interns Jackie Kerber, Tassilo von Bismark, and Daniel Edwards, be allowed floor privileges for the duration of the Senate's debate on S. 3254, the National Defense Authorization Act.

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