

to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1299. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1300. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1301. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1302. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1303. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1304. Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, supra.

SA 1305. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1306. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1307. Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1308. Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1309. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1310. Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1311. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1312. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1313. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1314. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1316. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1317. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1318. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1319. Mr. SANDERS submitted an amendment intended to be proposed by him

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

SA 1320. Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1321. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1322. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1323. Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1324. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1325. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1326. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1327. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1328. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1329. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1330. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1331. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1332. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr.

BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1334. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1335. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1336. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1337. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1338. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1339. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1340. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1341. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1342. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1343. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1227.** Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

**SA 1228.** Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) **REPORT.**—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

**SA 1229.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1088. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **INTERDEPARTMENTAL COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) **EFFICIENCIES.**—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) **RESPONSIBILITIES.**—

(1) **DEPARTMENT OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

**SA 1230.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

“(c) **COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.**—(1)(A) Whenever after September 30, 2012, and before October 1, 2013, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

“(B) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

“(C) Any increase under this paragraph in the fee payable for enrollment shall be effective as of October 1 following the date on which such increase is made.

“(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.”.

(b) **CLARIFICATION OF APPLICATION FOR 2013.**—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) \$260 for individual enrollment.

(2) \$520 for family enrollment.

**SA 1231.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY FOR CONTINUATION OF INNOVATIVE RESEARCH ON ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF WAR.**

The amount authorized to be appropriated by section 201 for research, development, test, and evaluation for the Army is hereby increased by \$10,000,000, with the amount of the increase to be available for Basic Research for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs for the continuation of innovative research on illnesses associated with service in the Persian Gulf War in order to identify effective treatments, improve definition and diagnosis, and better understand pathobiology and symptoms.

**SA 1232.** Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. SENSE OF SENATE ON RELOCATION OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND TO THE CONTINENTAL UNITED STATES.**

It is the sense of the Senate that—

(1) the headquarters and staff of the United States Africa Command (AFRICOM) should be moved from their current location in Stuttgart, Germany, to a more suitable location in the continental United States;

(2) the Secretary of Defense should seek to complete the permanent relocation of the headquarters and staff of the United States Africa Command to the continental United States within a reasonable time, taking into account appropriate strategic, logistic, and economic considerations; and

(3) by not later than six months after the date of the enactment of this Act, the Secretary of Defense should submit to the congressional defense committees a report setting forth—

(A) a description of suitable locations in the continental United States for the headquarters and staff of the United States Africa Command; and

(B) a plan for relocating those headquarters and staff from Stuttgart, Germany, to the continental United States.

**SA 1233.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3124. SENSE OF CONGRESS ON MAINTAINING A DOMESTIC SOURCE OF ENRICHED URANIUM.**

It is the sense of Congress that the United States should maintain a domestic source of enriched uranium to meet the long-term tritium requirements of the United States, to ensure the safety and reliability of the nuclear arsenal of the United States, and to fulfill the nuclear nonproliferation policies of the United States.

**SA 1234.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, strike line 13 and all that follows through page 468, line 13, and insert the following:

(j) NOTICE AND WAIT.—

(1) PROGRAMS OF ASSISTANCE.—Funds may not be obligated for a program of assistance under subsection (b) until 15 days after the date on which the specified congressional committees are notified in writing of the proposed obligation, including a detailed justification for the use of the applicable authority and the activities to be undertaken (including objectives, an execution plan, and the anticipated date of completion).

(2) EXERCISE OF TRANSFER AUTHORITY.—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) REPORTS.—The Secretary of State and the Secretary of Defense shall jointly submit to the specified congressional committees on a biannual basis a report on obligations of funds or transfers into the Fund, and the status of activities under this section, as of the date of such report.

**SA 1235.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—INTERAGENCY PERSONNEL ROTATIONS**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “Interagency Personnel Rotation Act of 2011”.

**SEC. \_\_\_\_02. FINDING AND PURPOSE.**

(a) FINDING.—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(b) PURPOSE.—The purpose of this title is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

**SEC. \_\_\_\_03. DEFINITIONS.**

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” under section 105 of title 5, United States Code.

(2) COMMITTEE.—The term “Committee” means the Committee on National Security Personnel established under section \_\_\_\_04(a).

(3) COVERED AGENCY.—The term “covered agency” means an agency that is part of an ICI.

(4) ICI.—The term “ICI” means a National Security Interagency Community of Interest identified by the Committee under section \_\_\_\_05(a).

(5) ICI POSITION.—The term “ICI position”—

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is a position in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS-11 of the General Schedule or at a level of responsibility comparable to a position at or above GS-11 of the General Schedule; and

(III) is a position within an ICI; or

(ii) a position in an interagency body identified as an ICI position under section \_\_\_\_05(c)(2)(A); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term “interagency body” means an entity or component identified under section \_\_\_\_05(c)(1).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term “interagency rotational service” means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) in the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) in a position in an interagency body identified under section \_\_\_\_05(c)(2)(B).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term “National Security Interagency Community of Interest” means the positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term “political appointee” means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) SENIOR POSITION.—The term “senior position” means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

**SEC. \_\_\_\_04. COMMITTEE ON NATIONAL SECURITY PERSONNEL.**

(a) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(b) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(c) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(d) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall perform the functions as provided under this

title to implement this title and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under paragraph (2).

(2) DIRECTIVES AND STANDARDS.—

(A) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and establish standards relating to the implementation of this title.

(B) USE BY COVERED AGENCIES.—The head of each covered agency shall carry out the responsibilities under this title in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(e) SUPPORT AND IMPLEMENTATION.—

(1) BOARD.—There is established a board to assist the Committee, which shall be composed of 1 designee (who shall be serving in an Executive Schedule position at level III) selected by—

- (A) the Secretary of State;
- (B) the Secretary of Defense;
- (C) the Secretary of Homeland Security;
- (D) the Attorney General;
- (E) the Secretary of the Treasury;
- (F) the Secretary of Energy;
- (G) the Secretary of Health and Human Services;
- (H) the Secretary of Commerce;
- (I) the Director of National Intelligence; and

(J) the head of any other agency determined appropriate by the Committee.

(2) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(3) COVERED AGENCY OFFICIALS.—

(A) IN GENERAL.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this title.

(B) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this title.

(4) STAFF.—

(A) IN GENERAL.—Not more than 3 full-time equivalent employees may be hired to assist the Committee in implementation of this title, who may be employees of the Office of Management and Budget or the Office of Personnel Management. Any employee transferred under subparagraph (B)(ii)(II) shall be deemed to be an employee hired for purposes of the authorization under this subparagraph.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out subparagraph (A) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2011.

(ii) OFFSET.—

(I) IN GENERAL.—Except as provided in paragraph (3)(B), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement

Executive Order 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this subclause shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(II) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(III) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

**SEC. 55. NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.**

(a) IDENTIFICATION OF ICIS.—Subject to section 508, the Committee—

(1) shall identify ICIs on an ongoing basis for purposes of carrying out this title; and

(2) may alter or discontinue an ICI identified under paragraph (1).

(b) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(c) INTERAGENCY BODIES.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—The Committee shall identify—

(i) entities in the executive branch of the Government that are primarily involved in interagency activities relating to national security or homeland security; and

(ii) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(B) CERTAIN BODIES.—

(i) IN GENERAL.—The Committee shall identify the National Security Council and the Directorate of Strategic Operational Planning of the National Counterterrorism Center as interagency bodies under this paragraph.

(ii) FBI ROTATIONS.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(C) DUTIES OF HEAD OF COVERED AGENCY.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(2) POSITIONS IN INTERAGENCY BODIES.—The officials designated under paragraph (1)(C) shall identify—

(A) positions within their respective interagency bodies that are ICI positions; and

(B) positions within their respective interagency bodies—

(i) that are not a position described under section 503(10)(A) or (C) or a position filled by an employee described under section 503(10)(B); and

(ii) for which service in the position shall constitute interagency rotational service.

**SEC. 56. INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.**

(a) EXCLUSION OF SENIOR POSITIONS.—For purposes of this section, the term “ICI position” does not include a senior position.

(b) ROTATIONS.—

(1) IN GENERAL.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(A) within another covered agency or within an interagency body; and

(B) within the same ICI.

(2) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(A) the employee has particular non-governmental or other expertise or skills that are relevant to the assigned ICI position; and

(B) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(3) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(4) RETURN TO PRIOR POSITION.—Except as provided otherwise by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under section 505(c)(2)(B) shall be entitled to return to the position held by the employee in the covered agency employing the employee within a reasonable period of time after the end of the period of service.

(c) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each covered agency shall determine which ICI positions in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this paragraph.

(2) LIST.—The Committee shall maintain a single, integrated list of ICI positions and of positions available for service by employees from another covered agency under this section and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(d) MINIMUM PERIOD FOR SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(1) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(2) may provide for different periods for service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(3) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(e) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), service in an ICI position in another covered agency or interagency body shall be voluntary by an employee.

(2) **AUTHORITY TO ASSIGN INVOLUNTARILY.**—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(f) **TRAINING AND EDUCATION OF PERSONNEL PERFORMING INTERAGENCY ROTATIONAL SERVICE.**—Each employee performing interagency rotational service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order to learn how the covered agency or interagency body functions.

(g) **PREVENTION OF NEED FOR INCREASED PERSONNEL LEVELS.**—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing service in an ICI position in another covered agency or interagency body—

(1) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the interagency body in which such original positions are located; or

(2) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being accrued by the covered agency or interagency body in which such original positions are located.

(h) **OPEN AND FAIR COMPETITION.**—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(i) **PERSONNEL LAW MATTERS.**—

(1) **NATIONAL SECURITY EXCLUSION.**—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of title 5, United States Code.

(2) **ON ROTATION.**—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee was detailed or assigned under a provision of law other than this title from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(j) **CONSULTATION.**—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this title.

(k) **OFFICERS OF THE ARMED FORCES.**—The policies, procedures, and practices for the

management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under section 05(c)(2)(B).

(1) **PERFORMANCE APPRAISALS.**—The Committee shall—

(1) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(2) require that—

(A) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(B) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(m) **FOREIGN SERVICE.**—Section 607(a) of the Foreign Service Act of 1980 (22 U.S.C. 4007(a)) is amended by adding at the end the following:

“(4) At the election of an individual subject to a maximum time in class limitation under this subsection, any period of service in an ICI position (as defined in section 03 of the Interagency Personnel Rotation Act of 2011) that is not within the Department of State shall not be used for purposes of determining the period during which the individual has served in a class.”.

**SEC. 07. SELECTION OF SENIOR POSITIONS IN AN INTERAGENCY COMMUNITY OF INTEREST.**

(a) **SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.**—In selecting individuals to fill senior positions within an ICI, the head of a covered agency shall ensure that a strong preference is given to selecting of personnel who have performed interagency rotational service.

(b) **ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.**—

(1) **IN GENERAL.**—On October 1 of the second fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency's senior positions that are within that ICI that shall be filled by personnel who have performed interagency rotational service.

(2) **REPORTING REQUIREMENTS.**—

(A) **MINIMUM NUMBER OF POSITIONS.**—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under paragraph (1) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be filled by personnel who have performed interagency rotational service.

(B) **FAILURE TO MEET MINIMUM NUMBER.**—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under paragraph (2), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(c) **OTHER ROTATIONAL REQUIREMENTS.**—

(1) **CREDIT FOR SERVICE IN ANOTHER COMPONENT WITHIN AN AGENCY.**—

(A) **IN GENERAL.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall constitute interagency rotational service for purposes of this section.

(B) **IDENTIFICATION OF COMPONENTS.**—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(2) **INTELLIGENCE COMMUNITY PERSONNEL.**—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee of a covered agency under any program established before the date of enactment of this title that provides for rotation assignments of employees across the agencies or elements of the intelligence community shall constitute interagency rotational service for purposes of this section.

**SEC. 08. IMPLEMENTATION.**

(a) **ICIS AND ICI POSITIONS.**—

(1) **IN GENERAL.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(B) during each such fiscal year, not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee under this title.

(2) **LOCATION.**—

(A) **IN GENERAL.**—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(B) **SERVICE.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(i) by an employee who is located in the metropolitan area for the ICI designated under subparagraph (A) before beginning service in the ICI position; and

(ii) at a location in the metropolitan area for the ICI designated under subparagraph (A).

(b) **PRIORITY FOR DETAILS.**—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this title.

**SEC. 09. STRATEGY AND PERFORMANCE EVALUATION.**

(a) **ISSUING OF STRATEGY.**—

(1) **IN GENERAL.**—Not later than October 1 of the third fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the eleventh fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of

personnel and activities from multiple agencies of the executive branch of the Government.

(2) CONSULTATIONS WITH CONGRESS.—In developing or making adjustments to the National Security Human Capital Strategy issued under paragraph (1), the Committee—

(A) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(B) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(3) CONTENTS OF STRATEGY.—Each National Security Human Capital Strategy issued under paragraph (1) shall—

(A) provide for the implementation of this title;

(B) identify best practices from ICIs already in operation;

(C) identify any additional ICIs to be identified by the Committee;

(D) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this title by the Committee;

(E) include a description of how the strategy incorporates views and suggestions obtained through the consultations with Congress required under paragraph (2);

(F) include an assessment of performance measures over a multi-year period, such as—

(i) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(ii) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

(iii) the length of interagency rotational service under this title;

(iv) reports by the heads of covered agencies submitted under section 407(b)(2)(B);

(v) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

(vi) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(vii) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(b) REPORTS.—Not later than October 1 of the second fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under subsection (a), the Committee shall assess the performance measures described in subsection (a)(3)(F).

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under subsection (a) or assesses performance measures under subsection (b), the Committee shall submit the strategy or assessment to Congress.

#### SEC. 10. GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.

Not later than the end of the second fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report regarding—

(1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this title enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment of the effect of—

(A) the period of the service; and

(B) the duties performed by the employees during the service;

(2) the effectiveness of the Committee and the staff of the Committee funded under section 404(e)(4)(B) in overseeing and managing interagency rotational service under this title, including an evaluation of any directives or standards issued by the Committee;

(3) the participation of covered agencies in interagency rotational service under this title, including whether each covered agency that performs a mission relating to an ICI in effect—

(A) identified positions within the covered agency as ICI positions;

(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational service under this title, and the extent to which the employees were rewarded for the service; and

(5) the extent to which or likelihood that interagency rotational service under this title has improved or is projected to improve interagency integration.

#### SEC. 11. PROHIBITION OF PRINTED REPORTS.

Each strategy, plan, report, or other submission required under this title—

(1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

(2) shall not be made available by the agency in printed form.

**SA 1236.** Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

#### SEC. 1030. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

**SA 1237.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

**SA 1238.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_\_—CIVILIAN EXTRATERRITORIAL JURISDICTION

#### SEC. 01. SHORT TITLE.

This title may be cited as the “Civilian Extraterritorial Jurisdiction Act of 2011” or the “CEJA”.

**SEC. 02. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.**

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking “this chapter” and inserting “this section”;

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

**“§ 3272. Offenses committed by Federal contractors and employees outside the United States**

“(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“(c) The offenses covered by subsection (a) are the following:

“(1) Any offense under chapter 5 (arson) of this title.

“(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

“(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

“(4) Any offense under section 499 (military, naval, or official passes) of this title.

“(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

“(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

“(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

“(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

“(9) Any offense under chapter 50A (genocide) of this title.

“(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(11) Any offense under chapter 55 (kidnapping) of this title.

“(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(15) Any offense under chapter 109A (sexual abuse) of this title.

“(16) Any offense under chapter 113B (terrorism) of this title.

“(17) Any offense under chapter 113C (torture) of this title.

“(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(19) Any offense under section 2442 (child soldiers) of this title.

“(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(d) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Department of Defense’ means—

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

“(B) present or residing outside the United States in connection with such employment;

“(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States; and

“(D) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying any department or agency of the United States other than the Department of Defense’ means—

“(A) a dependant, family member, or member of household of—

“(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or

agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘host nation’ means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

**“§ 3273. Regulations**

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.”

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of such title is amended to read as follows:

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);”

(b) VENUE.—Chapter 211 of such title is amended by adding at the end the following new section:

**“§ 3245. Optional venue for offenses involving Federal employees and contractors overseas**

“In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

“(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any one of two or more joint offenders, or

“(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any one of two or more joint offenders is accompanying.”

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of such title is amended by inserting after section 3287 the following new section:

**“§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas**

“The time during which a person who has committed an offense constituting a violation of section 3272 of this title is outside the United States, or is a fugitive from justice within the meaning of section 3290 of this title, shall not be taken as any part of the time limited by law for commencement of prosecution of the offense.”

(d) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

**“CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT”.**

(2) TABLES OF SECTIONS.—(A) The table of sections at the beginning of chapter 211 of such title is amended by adding at the end the following new item:

“3245. Optional venue for offenses involving Federal employees and contractors overseas.”.

(B) The table of sections at the beginning of chapter 212A of such title is amended by striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”.

(C) The table of sections at the beginning of chapter 213 of such title is amended by inserting after the item relating to section 3287 the following new item:

“3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.”.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

**“212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271”.**

**SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.**

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as so amended), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a)(1), including the organization and training of personnel and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

**SEC. 4. EFFECTIVE DATE.**

(a) IMMEDIATE EFFECTIVENESS.—This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

**SEC. 5. RULES OF CONSTRUCTION.**

(a) IN GENERAL.—Nothing in this title or any amendment made by this title shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this title or any amendment made by this title shall apply to the authorized intelligence activities of the United States Government.

**SEC. 6. FUNDING.**

If any amounts are appropriated to carry out this title, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

**SA 1239.** Mr. MERKLEY submitted an amendment intended to be proposed by

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

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

**SEC. 1088. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.**

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

“(A) the date that is 15 years after the date on which the person died; and

“(B) the date on which the individual remarries.

“(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SA 1240.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.**

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

**SA 1241.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2804. AVAILABILITY OF MILITARY CONSTRUCTION FUNDS FOR ENERGY EFFICIENCY DESIGN UPDATES.**

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2916. Availability of funds for energy efficiency design updates**

“(a) IN GENERAL.—For any military construction project that is authorized by law and for which the design has been substantially completed but construction has not begun, the Secretary of Defense may use fiscal year 2011 unobligated planning and design funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834).

“(b) LIMITATIONS.—(1) The use of funds under subsection (a) shall not exceed the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).

“(2) The Secretary of Defense may not update a project design under subsection (a) if to do so would substantially delay the completion of a military construction project.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

“2916. Availability of funds for energy efficiency design updates.”.

**SA 1242.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 526, in the table following line 19, strike the item relating to “Naval Station, Mayport”.

On page 528, line 15, strike “\$2,656,457,000” and insert “\$2,641,459,000”.

On page 528, line 18, strike “\$1,956,822,000” and insert “\$1,941,824,000”.

On page 651, in the item relating to Massey Avenue Corridor Improvements, Mayport, Florida, strike “14,998” in the Senate Agreement column and insert “0”.

On page 652, in the item relating to Total Military Construction, Navy, strike “2,187,622” and insert “2,173,624”.

**SA 1243.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 532, after line 21, add the following:

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

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

**SA 1244.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2814. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.**

Section 2391 of title 10, United States Code, is amended—

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

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

“(d) AUTHORIZATION REQUIREMENT.—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.”; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) The term ‘public infrastructure’ means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.”.

**SA 1245.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 573, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent

personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

**SA 1246.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1079 and insert the following:

**SEC. 1079. COMMISSION TO STUDY UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.**

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commission to conduct an independent assessment of America’s security interests in East Asia and the Pacific region. The commission shall be supported by an independent, non-governmental institute

which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The commission established pursuant to paragraph (1) shall assess the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) MEMBERS OF THE COMMISSION.—

(1) COMPOSITION.—For purposes of conducting the assessment required by paragraph (a), the commission established shall include eight members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) QUALIFICATIONS.—Individuals appointed to the commission shall have significant experience in the national security or foreign policy of the United States.

(3) DEADLINE FOR APPOINTMENT.—Appointments of the members of the commission shall be made not later than 60 days after the date of the enactment of this Act.

(4) CHAIRMAN AND VICE CHAIRMAN.—The commission shall select a Chairman and Vice Chairman from among its members.

(5) 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.

(6) MEETINGS.—

(A) INITIAL MEETING.—Not later than 14 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.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the commission shall provide to the Secretary of Defense an unclassified report, with a classified annex, containing its findings. Not later than 90 days after the date of receipt of the report, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) 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.

(e) 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.—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.

(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.

(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 or the Department of State 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.

(f) 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.

(g) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c).

**SA 1247.** Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 534, strike line 8 and all that follows through page 535, line 17, and insert the following:

(a) RESTRICTION ON USE OF FUNDS.—None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

(b) RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense is prohibited from using the authority provided by section 2391 of title 10, United States Code, to carry out any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section that will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam until the requirements under subsection (a) are satisfied.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

**SA 1248.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1024. AUTHORITY FOR OVERHAUL AND REPAIR OF VESSELS IN COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

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

(1) in the subsection heading, by striking “UNITED STATES OR GUAM” and inserting “UNITED STATES, GUAM, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS”; and

(2) by striking “United States or Guam” both places it appears and inserting “United States, Guam, or the Commonwealth of the Northern Mariana Islands”.

**SA 1249.** Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 808. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(2) EXCEPTION FOR JOINT URGENT OPERATIONAL NEEDS.—The prohibition under subsection (a) shall not apply in the case of a particular cost-plus contract if the Under Secretary for Acquisition, Technology, and Logistics—

(A) certifies, in writing, with reasons, and on the basis of a validation of a joint urgent operational need by the Joint Requirements Oversight Council, that a cost-type contract is needed to provide capability required to satisfy a joint urgent operational need; and

(B) provides the certification to the congressional defense committees not later than 30 business days before issuing a solicitation for the production of a major defense acquisition program.

(b) CONDITIONS WITH RESPECT TO DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 818(d) of the John Warner National Defense Authorization Act for Fis-

cal Year 2007 (Public Law 109-364; 120 Stat. 2329; 10 U.S.C. 2306 note) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

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

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

“(3) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program; and

“(4) despite these efforts, the Department of Defense cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program.”.

(c) REPORTING OF COST-TYPE DEVELOPMENT CONTRACTS.—Not later than 30 business days before issuing a solicitation for the development of a major defense acquisition program, the Secretary of Defense shall submit to the congressional defense committees notice of the proposed award and the written determinations required under paragraphs (1) and (4) of section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (b), and the reasons supporting the determinations.

(d) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “production of a major defense acquisition program” means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C, or Key Decision Point C in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

(3) DEVELOPMENT OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “development of a major defense acquisition program” means the development of a major defense acquisition program or related increment of capability, the completion of full system integration, the development of an affordable and executable manufacturing process, the demonstration of system integration, interoperability, safety, and utility, or any activity otherwise defined as Milestone B, or Key Decision Point B in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

**SA 1250.** Mr. MCCAIN (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.**

Not later than 45 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 develop-

ment of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

**SA 1251.** Mr. WEBB (for himself, Mr. GRAHAM, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 848. PARA-ARAMID FIBERS AND YARNS.**

(a) REPEAL OF FOREIGN SUPPLIER EXEMPTION.—Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2084) is repealed.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of para-aramid fibers and yarns.

**SA 1252.** Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. LIMITATION ON THE USE OF CLUSTER MUNITIONS.**

(a) LIMITATION.—No funds appropriated or otherwise available to any Federal department or agency may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

(b) PRESIDENTIAL WAIVER.—The President may waive the requirement under subsection

(a)(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

(c) **CLEANUP PLAN.**—Not later than 90 days after any cluster munitions are used by a Federal department or agency, the President shall submit to the appropriate congressional committees a plan, prepared by such Federal department or agency, for cleaning up any such cluster munitions and submunitions which fail to explode and continue to pose a hazard to civilians.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 1253.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 515. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.**

(a) **IN GENERAL.**—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions**

“(a) **IN GENERAL.**—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member’s demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

“(b) **COVERED MEMBERS.**—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

“(1) A contingency operation.

“(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

“(c) **PAY AND ALLOWANCES.**—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

“(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

“(2) the basic allowance for subsistence payable under section 402 of title 37; and

“(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

“(d) **EARLY RELEASE FROM ACTIVE DUTY.**—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

“(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O-5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

“(e) **TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.**—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled ‘Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks—Section 1,’ effective January 19, 2007.

“(f) **REINTEGRATION COUNSELING AND SERVICES.**—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

“(2) The counseling and services provided members under this subsection may include the following:

“(A) Physical and mental health evaluations.

“(B) Employment counseling and assistance.

“(C) Marriage and family counseling and assistance.

“(D) Financial management counseling.

“(E) Education counseling.

“(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

“(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

“(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

“(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

“12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.”.

**SA 1254.** Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

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

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) SEPARATE ASSESSMENT BY CJCS.—The report required by subsection (a) shall include in a separate enclosure the independent assessment of the Chairman of the Joint Chiefs of Staff on the following:

- (1) The approved Air Sea Battle Concept.
  - (2) The relationship of the Air Sea Battle Concept to the National Military Strategy.
  - (3) Any changes in the distribution of strategic or operational risks associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in paragraphs (5) and (6) of subsection (b).
  - (4) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as the Chairman considers appropriate.
- (d) SEPARATE ASSESSMENTS BY SECRETARIES OF MILITARY DEPARTMENTS.—The report required by subsection (a) shall include in separate enclosures the independent assessments of each of the Secretaries of the military departments on the following:
- (1) The approved Air Sea Battle Concept.
  - (2) Any changes in the distribution of risk associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in subsection (b)(5).
  - (3) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as such Secretary considers appropriate.
- (e) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

**SA 1255.** Mr. NELSON of Florida (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 723. EPIDEMIOLOGICAL STUDY ON HEALTH OF MILITARY PERSONNEL EXPOSED TO BURN PIT EMISSIONS AT JOINT BASE BALAD.**

The Secretary of Defense shall conduct a cohort study on the long-term health effects of exposure to burn pit emissions in military personnel deployed at Joint Base Balad. The study shall include a prospective evaluation from retrospective estimates of such exposures. The study shall be conducted in accordance with recommendations by the Institute of Medicine concluding that further study is needed to establish correlation between burn pit exposure and disease.

**SA 1256.** Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike lines 8 through 24 and insert the following:

(8) During the course of Operation Enduring Freedom, members of the Armed forces,

intelligence personnel, and the diplomatic corps have skillfully achieved the core goal of the United States strategy in Afghanistan, and Secretary of Defense Leon E. Panetta has noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(9) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a "game changer" in a speech on May 6, 2011.

(10) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(11) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(12) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(13) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(14) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(b) BENCHMARKS REQUIRED.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

**SA 1257.** Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike line 22 through line 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of

benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

**SA 1258.** Mr. MERKLEY proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . . DESIGNATION OF QUALIFIED CENSUS TRACTS.**

(a) DESIGNATION.—

(1) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

**SA 1259.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year

2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 325. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.**

The Secretary of Defense is authorized to work with the Hollings Manufacturing Partnership Program and other manufacturing-related local intermediaries designated by the Secretary to develop a multi-agency comprehensive plan to expand domestic defense and industrial base supply chains with involvement from other applicable Federal agencies or industry consortiums—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with partners to identify and address gaps in domestic supply chains.

**SA 1260.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 846.

**SA 1261.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. SMALL BUSINESS HUBZONES.**

Section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) is amended by inserting before the period at the end “, beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2012”.

**SA 1262.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 889. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.**

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) The term ‘produced’, as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.”

**SA 1263.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 2823. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Western Reserve Port Authority of Vienna, Ohio (in this section referred to as the “Port Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Army may include as part of the conveyance under subsection (a) personal property located at the John Kunkel Army Reserve Center that—

(1) the Secretary of Transportation recommends would be appropriate for the development or operation of a port facility at the site; and

(2) the Secretary of the Army agrees is excess to the needs of the Army.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Port Authority, the Secretary of the Army may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but the Port Authority still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Army may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred

by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SA 1264.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 316. USE OF INNOVATIVE FINANCING MECHANISMS FOR REPLACEMENT AND ACQUISITION OF ENERGY EFFICIENT EQUIPMENT AND IMPLEMENTATION OF ENERGY CONSERVATION PROJECTS.**

The Secretary of Defense shall make the maximum use of financing mechanisms to reduce the use of appropriated funds and leverage more efficiency for the Department when replacing energy equipment, acquiring new energy efficient equipment, and implementing energy conservation projects.

**SA 1265.** Mr. COONS (for himself, Mrs. SHAHEEN, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.**

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

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

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”

**SA 1266.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.**

(a) **ESTABLISHMENT OF TRAINING POLICY.**—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) **ISSUANCE OF POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) **BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

**SA 1267.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2823. LAND CONVEYANCE, FORT WAINWRIGHT, ALASKA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the lessee of a parcel of real property located at Fort Wainwright, Alaska, known as the Birchwood Property (the “Lessee”) all right, title, and interest of the United States in and to such parcel, including any improvements thereon, consisting of approximately 76 acres.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Lessee shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, or exchange an equitable piece of property subject to the approval of the Secretary. The Secretary’s determination shall

be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration, including environmental remediation for the property conveyed.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Lessee to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States as consideration for the conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcel of real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

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

**SA 1268.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

**SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF ONE PERCENT.**

(a) **REDUCTION.**—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to one percent of such total amount, for a total of not to exceed \$559,500,000,000.

(b) **EXCEPTION.**—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

**SA 1269.** Mr. BOOZMAN (for himself, Mr. CORNYN, Mr. PRYOR, and Mrs.

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

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

**SEC. 634. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS, OR IN THE JUNE 1, 2009, ATTACK AT A RECRUITING STATION IN LITTLE ROCK, ARKANSAS.**

(a) **TREATMENT.**—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, or in the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

**SA 1270.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

**SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF TWO PERCENT.**

(a) **REDUCTION.**—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to two percent of such total amount, for a total of not to exceed \$553,900,000,000.

(b) **EXCEPTION.**—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

**SA 1271.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

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

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

**SEC. 914. PROHIBITION ON APPROVAL OF CERTAIN NATIONAL SECURITY SPACE PROGRAMS THAT DO NOT INCLUDE REASONABLE COST ESTIMATES FOR LAUNCH VEHICLES.**

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

(1) it should be a joint priority objective of the Secretary of Defense and the Director of National Intelligence to reduce the overall cost of space launch without jeopardizing the enviable recent record of successful national security space launches by the United States;

(2) a variety of tools should be considered to achieve that objective, including the introduction of competition for contracts relating to space launch activities, the leveraging of lot purchases and economies of scale, and the provision of cost-reduction incentives relating to such contracts; and

(3) the document entitled “Coordinated Strategy Among the United States Air Force, the National Reconnaissance Office, and the National Aeronautics and Space Administration for New Entrant Launch Vehicle Certification”, dated October 12, 2011, sets forth an appropriate mechanism to support competition relating to space launch activities while maintaining the requirements of mission assurance.

(b) PROHIBITION.—The Secretary of Defense may not approve the system development and demonstration, or the production and deployment, of a national security space program requiring a space launch unless the cost estimate and the budget submitted to Congress for the program includes a reasonable cost estimate for a launch vehicle that, at the time the cost estimate is established, is certified to meet the risk classification for the payload of the program, as defined in the document referred to in subsection (a)(3).

**SA 1272.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ 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) 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 1273.** Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3116. AUTHORIZATION OF DESIGN AND CONSTRUCTION OF REMOTE-HANDLED LOW-LEVEL WASTE DISPOSAL FACILITY AT IDAHO NATIONAL LABORATORY.**

The Secretary of Energy is authorized to obligate and expend amounts authorized to be appropriated or otherwise made available by this title for the Department of Energy for fiscal year 2012 to begin the design and construction of the Remote-Handled Low-Level Waste Disposal Facility at the Idaho National Laboratory, Idaho Falls, Idaho.

**SA 1274.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

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

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

(5) Notwithstanding disposition under paragraph (2) or (3), further detention under the law of war until the end of hostilities authorized by the Authorization for Use of Military Force.

**SA 1275.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. PILOT PROGRAM ON PROVISION OF HEALTH CARE TO VETERANS RESIDING IN ALASKA AT NON-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of carrying out a program by which a covered veteran can, except as provided in subsection (f), receive necessary hospital care or medical services for any condition at any hospital or medical facility or from any medical provider eligible to receive payments under—

(1) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(3) the TRICARE program; or

(4) the Indian health program.

(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any veteran who—

(1) is entitled to hospital care or medical services under laws administered by the Secretary of Veterans Affairs;

(2) is located in the State of Alaska; and

(3) resides at a location that is located in—

(A) such State; and

(B) a town, village, or other community that is not accessible by motor vehicle (as defined in section 30102 of title 49, United States Code).

(c) DURATION OF PILOT.—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(d) COST OF CARE AND SERVICE.—

(1) IN GENERAL.—The cost of any hospital care or medical service provided under the pilot program shall be borne by the United States from amounts other than amounts appropriated or otherwise made available for an Indian health program.

(2) NO BILLING OF VETERANS.—The Secretary shall take measures to ensure that covered veterans are not billed for the hospital care and medical services they receive under the pilot program.

(e) ALASKA HERO CARD.—In carrying out the pilot program, the Secretary shall issue to each covered veteran a card to be known as a “Alaska Hero Card” that such veteran may present to an authorized provider to establish the covered veteran’s eligibility for

hospital care and medical services under the pilot program.

(f) **AUTHORIZED PROVIDERS.**—The Secretary may establish a list of authorized providers from whom a covered veteran may receive hospital care and medical services under the pilot program.

(g) **MEASURES TO ENSURE QUALITY AND SAFETY OF CARE.**—

(1) **IN GENERAL.**—The Secretary shall take such measures as may be necessary to ensure that the quality and safety of care provided to veterans under the pilot program is equal to or better than the quality and safety of care otherwise provided by the Department of Veterans Affairs.

(2) **SPECIFIC MEASURES.**—The measures described in paragraph (1) may include requirements relating to the following:

(A) Credentialing and accreditation of providers of hospital care or medical services.

(B) Timely reporting of access to care.

(C) Timely reporting of clinical information to the Secretary.

(D) Reporting safety issues, patient complaints, and patient satisfaction.

(E) Robust quality programs, including peer review and compliance with industry standards and requirements.

(3) **PROVIDERS CERTIFIED BY INDIAN HEALTH SERVICE.**—For purposes of the pilot program, the Secretary shall consider the equality and safety of care provided by a provider described in subsection (a)(2) who is certified by the Indian Health Service as a community health aide pursuant to section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616f) and who is providing services within the scope of such certification as being equal to or better than the quality and safety of care otherwise provided by the Department.

(h) **SAVINGS.**—Nothing in this section shall be construed to limit any right of recovery available to an Indian health program under the provisions of section 206 or 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1621e and 1645(c)), or any other Federal or State law.

(i) **DEFINITIONS.**—In this section:

(1) **HOSPITAL CARE AND MEDICAL SERVICES.**—The terms “hospital care” and “medical services” have the meanings given such terms in section 1701 of title 38, United States Code.

(2) **INDIAN HEALTH PROGRAM.**—The term “Indian health program” has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(3) **SERVICE-CONNECTED.**—The term “service-connected” has the meaning given such term in section 101 of such title.

(4) **TRICARE PROGRAM.**—The term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.

**SA 1276.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.**

(a) **PILOT PROGRAM REQUIRED.**—Commencing not later than nine months after

the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

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

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) **REPORT.**—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

**SA 1277.** Mrs. MURRAY (for herself, Mr. AKAKA, and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 714. MODIFICATION OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.**

(a) **MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.**—Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506) is amended—

(1) in subsection (a)—

(A) by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”; and

(B) by striking “shall establish within the Department of Defense” and inserting “and

the Secretary of Veterans Affairs shall jointly establish”;

(2) in subsection (b), by striking “shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education,” and inserting “of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(ii) in subparagraph (B), by striking “with” and inserting “between the Secretary of Defense and”;

(iii) in subparagraph (C)—

(I) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs”;

(II) by inserting “members of the Armed Forces and” before “veterans who”;

(III) by striking “Veterans Health Administration” and inserting “Department of Defense or the Department of Veterans Affairs”;

(B) in paragraph (2), by inserting “Defense and Veterans” before “Hearing Loss”; and

(C) in paragraph (3), by striking “the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of”;

(4) in subsection (e)—

(A) by striking “shall take” and inserting “and the Secretary of Veterans Affairs shall jointly take”;

(B) by striking “considers” and inserting “of Defense and the Secretary of Veterans Affairs consider”.

(b) **MODIFICATION OF CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.**—Subsection (a) of section 723 of such Act (Public Law 110-417; 122 Stat. 4508) is amended by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”.

(c) **MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.**—Section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note) is amended—

(1) in subsection (a)—

(A) by striking “The” and inserting “Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the”; and

(B) by striking “shall establish within the Department of Defense” and inserting “and the Secretary of Veterans Affairs shall jointly establish”;

(2) in subsection (b), by striking “shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education,” and inserting “of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(ii) in subparagraph (B), by striking “with” and inserting “between the Secretary of Defense and”;

(iii) in subparagraph (C)—

(I) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs”;

(II) by inserting “members of the Armed Forces and” before “veterans who”; and

(III) by striking “Veterans Health Administration” and inserting “Department of Defense or the Department of Veterans Affairs”; and

(B) in paragraph (2), by striking “known as the ‘Military Eye Injury Registry’” and inserting “known as the ‘Defense and Veterans Eye Injury and Vision Registry’”; and

(4) in subsection (e)—

(A) by striking “shall take” and inserting “and the Secretary of Veterans Affairs shall jointly take”; and

(B) by striking “Secretary considers” and inserting “Secretary of Defense and the Secretary of Veterans Affairs consider”.

(d) CERTIFICATION OF OPERABILITY OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a certification of the operability of the following:

(1) The center established under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506).

(2) The center established under such section 723 of such Act (Public Law 110-417; 122 Stat. 4508).

(3) The center established under section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note).

(e) REQUIREMENT FOR PERIODIC REPORTS ON ESTABLISHMENT OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Section 1624(a) of the National Defense Authorization Act for fiscal year 2008 (Public Law 110-181; 122 Stat. 457) is amended, in the matter before paragraph (1)—

(A) by inserting “and annually thereafter through fiscal year 2015” after “of this Act”;

(B) by striking “shall submit” and inserting “and the Secretary of Veterans Affairs shall jointly submit”;

(C) in paragraph (2), by striking “and” at the end;

(D) in paragraph (3), by striking the period at the end and inserting a semicolon; and

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

“(4) the establishment of the center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417); and

“(5) the establishment of the center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations under section 723 of such Act (Public Law 110-417).”

(2) CONFORMING AMENDMENT.—Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4508) is amended by striking subsection (d).

**SA 1278.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 136. LIMITATION ON TERMINATION OF WORK ON RQ-4 GLOBAL HAWK PROGRAM.**

The Secretary of the Air Force may not take any action intended to terminate the RQ-4 Global Hawk program, or issue any stop-work order related to the production of the RQ-4 Global Hawk, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Acquisition Decision Memorandum regarding the RQ-4 Global Hawk program issued June 14, 2011, is no longer valid.

**SA 1279.** Mr. HOEVEN (for himself, Mr. TESTER, Mr. BLUNT, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

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

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the budget of the President for fiscal year 2013 as submitted to Congress should include funding to support a triad of strategic nuclear delivery systems and to modernize the component weapons and delivery systems of that triad.

**SA 1280.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

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

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

**SEC. 889. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.**

(a) IN GENERAL.—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

**SA 1281.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.**

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for normalizing United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To reestablish a normal defense relationship with the Republic of Georgia.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(4) To resume the sale by the United States of defense articles and services that may be necessary to enable the Government of the Republic of Georgia to maintain a sufficient self-defense capability.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense and submitted in both classified and unclassified forms.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

**SA 1282.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. REPEAL OF WAR POWERS RESOLUTION.**

(a) REPEAL.—The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

**SA 1283.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1084, insert the following:

**SEC. 1085. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.**

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

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

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

At the appropriate place, insert the following:

**TITLE —SMALL BUSINESS CONTRACTING FRAUD PREVENTION**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Small Business Contracting Fraud Prevention Act of 2011”.

**SEC. 02. DEFINITIONS.**

In this title—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

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

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this title; and

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

**SEC. 03. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.**

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

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

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce; and

(3) the Secretary of Defense, in coordination with the Secretary of the Navy and the Secretary of Homeland Security, should maintain the recapitalization plans for the Navy and Coast Guard as a priority in all future force structure decisions.

**SA 1284.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. PROHIBITION ON FUNDING TO PROHIBIT DIPLOMATIC EFFORTS OF IRAN.**

(a) PROHIBITION ON FUNDING.—None of the amounts appropriated or otherwise made available by any Act may be made available to further the international diplomatic efforts of Iran to further its agenda within an international body, organization, agency, commission or in which Iran holds a position of leadership or veto power.

(b) STATEMENT OF POLICY.—It is the policy of the United States that no funds shall be made available to any international diplomatic organization or entity that appoints Iran to a leadership position.

**SA 1285.** Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amend-

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

“(1) in order to allow any person to participate in any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

#### SEC. — 04. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.”.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) VETERAN STATUS.—

“(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) VERIFICATION OF STATUS.—

“(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

“(1) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database main-

tained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

#### SEC. — 05. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations

of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

#### SEC. 06. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not deter-

mine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

#### SEC. 07. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

**SA 1286.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

#### SEC. 705. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON THEFT OF COMPUTER TAPES CONTAINING PROTECTED INFORMATION ON COVERED BENEFICIARIES UNDER THE TRICARE PROGRAM.

The Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the circumstances surrounding the theft of computer tapes containing personally identifiable and protected health information of approximately 4,900,000 covered beneficiaries under the TRICARE program from the vehicle of a contractor under the TRICARE program. The report shall include the following:

(1) An assessment of the risk that the personally identifiable and protected health information so stolen can be accessed by a third party.

(2) Such recommendations as the Inspector General considers appropriate to reduce the risk of similar incidents in the future.

**SA 1287.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

#### SEC. 136. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C-23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

**SA 1288.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. 1230. STUDY ON THE USE OF THE DEMOCRATIC REPUBLIC OF GEORGIA AS A TRANSPORTATION BASE FOR SUPPLYING UNITED STATES FORCES IN AFGHANISTAN.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the feasibility of establishing in the Democratic Republic of Georgia, at the invitation of the Government of Georgia, a transportation base for supplying United States forces in Afghanistan.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the

Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

**SA 1289.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1432. SUNKEN MILITARY CRAFT.**

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting “, that was” before “on military noncommercial service”; and

(2) in subparagraph (B), by inserting a comma before “that was owned or operated”.

**SA 1290.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 362, strike lines 8 through 15.

**SA 1291.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 365, line 9, strike “and subsection (d)”.

On page 367, line 14, strike “and subsection (d)”.

On page 368, strike line 13 and all that follows through page 370, line 13.

**SA 1292.** Mr. LEVIN (for Mr. MENENDEZ (for himself, Mr. REID, Mr. SCHUMER, Mr. CASEY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. CARDIN, and Mrs. GILLIBRAND)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.**

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

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

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

“(h) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—

“(1) DETERMINATION REQUIRED.—

“(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall determine whether the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States, taking into consideration whether the Bank has—

“(i) facilitated activities of the Government of Iran that threaten global or regional peace and security;

“(ii) sought to evade multilateral sanctions directed against the Government of Iran on behalf of that Government;

“(iii) engaged in deceptive financial practices or mechanisms to facilitate illicit transactions with non-Iranian financial institutions;

“(iv) conducted transactions prohibited by binding resolutions of the United Nations Security Council or allowed itself to be used to permit conduct prohibited by such resolutions;

“(v) conducted transactions on behalf of persons designated by the United States for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

“(vi) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

“(I) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

“(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

“(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

“(vii) facilitated a transaction or provided financial services for—

“(I) Iran’s Revolutionary Guard Corps; or

“(II) a financial institution whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

“(aa) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

“(bb) Iran’s support for acts of international terrorism.

“(B) SUBMISSION TO CONGRESS.—The President shall submit in writing to the appropriate congressional committees the determination made under subparagraph (A) and the reasons for the determination.

“(2) IMPOSITION OF SANCTIONS.—Subject to paragraphs (4), (5), and (6), if the President determines under paragraph (1)(A) that the Central Bank of Iran has engaged in conduct described in that paragraph, the President shall—

“(A) prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any significant financial transaction with the Central Bank of Iran; and

“(B) impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

“(3) ADDITIONAL SANCTIONS.—In addition to the sanctions required to be imposed under paragraph (2), and subject to paragraph (4), the President may impose such other targeted sanctions with respect to the Central

Bank of Iran as the President determines appropriate to terminate the engagement of the Central Bank of Iran in conduct described in paragraph (1)(A) and activities described in subsection (c)(2).

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

“(5) APPLICABILITY OF PROHIBITIONS AND CONDITIONS ON ACCOUNTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (2)(A) applies with respect to financial transactions commenced on or after the date that is 60 days after the date on which the President makes the determination required by paragraph (1)(A).

“(B) PETROLEUM TRANSACTIONS.—Paragraph (2)(A) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date on which the President makes the determination required by paragraph (1)(A).

“(6) WAIVER.—The President may waive the application of paragraph (2) for a period of 180 days, and renew such a waiver for additional periods of 180 days, if the President—

“(A) determines that such a waiver is necessary to the national security interest of the United States; and

“(B) submits to the appropriate congressional committees a report—

“(i) providing the justification for the waiver; and

“(ii) describing—

“(I) any concrete cooperation the President has received or expects to receive as a result of the waiver; and

“(II) any assurances the President has received or expects to receive as a result of the waiver from foreign financial institutions that such institutions have ceased engaging in financial transactions with the Central Bank of Iran related to terrorism or the facilitation, acquisition, or financing of weapons of mass destruction.”.

**SA 1293.** Mr. LEVIN proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.**

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

**SA 1294.** Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 577. ENHANCEMENT OF CONSUMER CREDIT PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) PROHIBITED ACTIONS.—Subsection (e) of section 987 of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) by redesignating paragraph (7) as paragraph (9); and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) the creditor charges the borrower a fee for overdraft service (as that term is defined by the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) and implementing regulations) in connection with a withdrawal from an automated teller machine or a one-time debit card transaction;

“(8) the creditor charges the borrower a fee for overdraft service (as so defined) where such fee is triggered as the result of the institution having posted the borrower’s transactions in order from largest to smallest; or”.

(b) REGULATIONS.—Subsection (h)(3) of such section is amended—

(1) by inserting “at least every two years” after “consult”; and

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

“(H) The Bureau of Consumer Financial Protection.”.

(c) CONSUMER CREDIT.—Subsection (i)(6) of such section is amended by adding at the end the following new sentence: “Such term shall also include credit under an open end consumer credit plan (as defined by section 103 of the Truth in Lending Act (15 U.S.C. 1602) and implementing regulations), except that the Secretary of Defense may exclude credit under such a plan that provides for amortizing payments over a period of at least 92 days.”.

**SA 1295.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) CHARTER FOR NLSC.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

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

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

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

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

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

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

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

“(g) USEREA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

“(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

“(2) the Corps shall be deemed to be a uniformed service.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

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

(A) by striking paragraph (5);

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

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

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

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

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

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) establishing plans to address shortfalls and requirements, such as recruitment,

member assignments and return, deployment, redeployment and public information;

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

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

**SA 1296.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 848. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

**“§2335. Reports on use of indemnification agreements**

“(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

“(A) entering into a contract that includes an indemnification agreement; or

“(B) modifying an existing indemnification agreement in any contract.

“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

“(2) the actual cost or estimated potential cost involved;

“(3) a description of the items, property, or services for which the contract is awarded; and

“(4) a justification of the contract including the indemnification agreement.

“(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

“2335. Reports on use of indemnification agreements.”.

**SA 1297.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 547. INFORMATION FOR MEMBERS OF THE ARMED FORCES ON CERTAIN PROVIDERS OF POSTSECONDARY EDUCATION.**

(a) **PROVISION OF INFORMATION REQUIRED.**—The Secretary of Defense shall, in consultation with the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Labor, make available through various means, including through the Internet websites of the Department of Defense, information about providers of postsecondary education that accept assistance from the Department of Defense for the provision of civilian education or training, including providers of education that advertise on military installations and providers with facilities or instructors operating on military installations.

(b) **INFORMATION.**—The information required under subsection (a) shall include the following:

(1) The regional and national accreditation of the selected providers.

(2) The participation (or eligibility for participation) of such providers in financial aid programs under title IV of the Higher Education Act of 1965.

(3) Qualifications required for public examinations licensure, or other conditions for employment fulfilled by the education or training programs of the providers.

(4) The transferability of credits from such providers to public institutions of higher education in various States.

(5) The dropout rates of students for each provider.

(6) The completion and graduation rates of students for each provider.

(7) Job placement rates, as appropriate, for each provider.

(8) The tuition and fees of providers when compared with public institutions of higher education in various States.

(9) The availability of job and career placement services at each provider.

**SA 1298.** Mr. WEBB (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.**

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of

Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

**SA 1299.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 634. REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.**

(a) **REINSTATEMENT.**—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(1) by inserting “(1)” before “the period”; and

(2) by inserting before the period at the end the following: “, and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018”.

(b) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

“(c) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—

“(1) **INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.**—The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

“(2) **COAST GUARD AND NOAA.**—During the period specified in subsection (i)(2), this section does not apply as follows:

“(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

“(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104-106; 10 U.S.C. 1293 note).”.

(c) **COORDINATION WITH OTHER SEPARATION PROVISIONS.**—Such section is further amended—

(1) in subsection (g), by striking “, 1174a, or 1175” and inserting “or 1175a”; and

(2) in subsection (h)—

(A) in the subsection heading, by striking “SSB or VSI” and inserting “SSB, VSI, or VSP”;.

(B) by inserting before the period at the end of the first sentence the following: “or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title”; and

(C) in the second sentence, by striking “under section 1174a or 1175 of title 10, United States Code”.

**SA 1300.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction,

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

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

**SEC. 634. REINSTATEMENT OF AUTHORITY FOR ENHANCED SELECTIVE EARLY RETIREMENT BOARDS.**

Section 638a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “, during the period beginning on October 1, 1990,” and all that follows through “December 31, 2012.”; and

(B) by inserting at the end the following new sentence: “Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.”; and

(2) in subsection (d)(2), by striking “except that during the period beginning on October 1, 2006, and ending on December 31, 2012” in subparagraphs (A) and (B) and inserting “except that through December 31, 2018”.

**SA 1301.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

**SA 1302.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 586. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO ALONZO H. CUSHING FOR ACTS OF VALOR AT THE BATTLE OF GETTYSBURG DURING THE CIVIL WAR.**

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

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863.

**SA 1303.** Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.**

(a) **AUTHORITY.**—

(1) **EXCHANGE AUTHORITY.**—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) **AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) **AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) **FUNDING FOR PRODUCTION OF AIRCRAFT.**—

(1) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Pro-

urement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) **EXCEPTION.**—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) **FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.**—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) **IMPLEMENTATION.**—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

**SA 1304.** Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 324 and insert the following:  
**SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.**

(a) **REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center’s Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

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

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) **FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.**—For the pur-

poses of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) **VIRTUAL AND FLEXIBLE.**—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) **SPEED TO MARKET.**—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) **RISK MANAGEMENT.**—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) **REPORT ON AIR FORCE MATERIEL COMMAND REORGANIZATION.**—

(1) **RESTRICTION ON REORGANIZATION ACTIVITIES.**—With respect to the planned reorganization of the Air Force Materiel Command announced on November 2, 2011, the Secretary of the Air Force shall make no changes related to organizational alignment, reporting officials, or any other change related to oversight or the duties of system program managers, sustainment program managers, or product support managers who reside at installations where Air Logistics Centers or depots are located until 60 days after the report required under paragraph (2) is submitted to the congressional defense committees.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary of the Air Force shall submit to the congressional defense committees a report containing an analysis of alternatives for alignment and reporting of Air Force System Program Managers and Product Support Managers.

(B) **ELEMENTS.**—The report required under subparagraph (A) shall—

(i) focus on the impacts to Air Force life cycle management, sustainment, readiness, and overall support to the warfighter that would likely be realized through the various alternatives;

(ii) address legal, financial, and other relevant issues;

(iii) identify criteria for evaluating alternatives;

(iv) include a list of alternatives, including analysis and recommendations relating to the alternatives;

(v) describe cost and savings factors; and

(vi) focus on how the Air Force should be best organized to conduct life cycle management and sustainment, with overall readiness being the highest priority.

**SA 1305.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 586. CONTINUATION AND EXPANSION OF WOUNDED WARRIOR CAREERS DEMONSTRATION PROGRAM.**

(a) **CONTINUATION AND EXPANSION OF PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense shall continue the program known as the

Wounded Warrior Careers Demonstration program (in this section referred to as the "Program"), being conducted in collaboration with the Army Wounded Warrior program, as expanded in accordance with the provisions of this section.

(2) ADDITIONAL PURPOSES OF PROGRAM.—The Program as expanded under this section shall have the additional purposes as follows:

(A) To identify, demonstrate, and disseminate best practices in employment counseling, job placement, and enrollment in high-quality education programs of wounded, ill, or injured members of the Armed Forces (in this section referred to as "wounded warriors") who are assigned to the wounded warrior programs of the Armed Forces and other individuals participating in the Program.

(B) To assist wounded warriors in transitioning into employment with the Federal Government, or into civilian life and careers.

(C) To otherwise assess the feasibility and advisability of various additional means to support the transition and reintegration of wounded warriors into civilian life and careers.

(3) PARTICULAR EMPHASIS ON SEVERELY WOUNDED WARRIORS.—In conducting the Program as expanded under this section, the Secretary shall pay special attention to wounded warriors who are severely or catastrophically wounded, ill, or injured (in this section referred to as "severely wounded warriors").

(b) ADDITIONAL LOCATIONS FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall expand the Program under this section to not less than 10 locations nationwide by not later than September 30, 2012, and to an additional 10 locations nationwide by not later than September 30, 2013.

(2) LOCATIONS.—

(A) IN GENERAL.—In selecting locations under this subsection, the Secretary shall select from among locations in which there are high concentrations of wounded warriors (including from the regular components and the reserve components) who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are ready for career and employment counseling.

(B) SPECIAL EMPHASIS FOR LOCATIONS WITH HIGH UNEMPLOYMENT.—In selecting locations under this subsection, the Secretary shall give special emphasis to locations described in subparagraph (A) that also have an unemployment rate that is higher than the national average unemployment rate.

(C) DATA FOR IDENTIFICATION OF LOCATIONS.—In identifying locations for purposes of subparagraph (A), the Secretary shall utilize applicable data of the military departments and of the National Center for Veterans Analysis and Statistics.

(c) UTILIZATION OF OTHER FEDERAL PROGRAMS AND RESOURCES.—

(1) IN GENERAL.—In expanding the Program under this section, the Secretary of Defense shall, with the cooperation of the heads of the departments and agencies concerned, utilize other programs and resources of the Federal Government (including programs and resources having objectives similar to the Program), including the following:

(A) Programs and resources of the Department of Labor, including the Recovery and Employment Assistance Lifelines (REALlifelines) initiative carried out by the Department and the Bethesda Naval Medical Center and Walter Reed Army Medical Center, Maryland.

(B) Programs and resources of the Department of Veterans Affairs, including the program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.

(C) Programs and resources of other departments and agencies of the Federal Government relating to education and employment of wounded warriors.

(2) DESIGNATION.—Activities carried out under this subsection as part of the expansion of the Program shall be known as the "Wounded Warrior Education and Employment Initiative".

(d) SERVICES TO BE PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall include all possible career-development and education preparation services for wounded warriors (and their spouses, if appropriate) that are consistent with their needs and are provided utilizing a proactive, intensive, extended case-management model that includes individualized counseling.

(2) SERVICES.—The services provided under this subsection shall include, but not be limited to, assistance relating to the following:

(A) Engaging with prospective employers and educators, when appropriate.

(B) Entering into various kinds of occupations (whether full-time, part-time, paid, or volunteer, or self-employment as entrepreneurs or otherwise).

(C) Acquiring additional education and training, including through internships and mentorship programs.

(e) AVAILABILITY OF SERVICES UNDER PROGRAM TO WOUNDED WARRIORS OF ALL ARMED FORCES.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall be provided to wounded warriors of all of the Armed Forces pursuant to policies established by the Secretary of Defense.

(2) COORDINATION.—The Secretary of Defense shall ensure coordination between the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force regarding the participation of members of the Armed Forces in the Program under this subsection, including actions to encourage and facilitate the participation of such members in the Program when appropriate.

(f) COST-BENEFIT ANALYSIS.—In identifying services to be provided under the Program as expanded under this section, and in identifying lessons learned and best practices developed for purposes of subsection (g), the Secretary of Defense shall undertake cost-benefit and other appropriate analyses of such services and the results of the provision of such services.

(g) DISSEMINATION OF LESSONS LEARNED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the dissemination to other departments and agencies of the Federal Government, State and local governments, and appropriate nonprofit organizations of information on lessons learned and best practices developed under the Program on the provision of benefits, services, and support to severely wounded warriors and other wounded warriors.

(2) DISSEMINATION TO RELEVANT AGENCIES.—As part of the dissemination of information under paragraph (1), the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, and the Director of the Office of Personnel Management shall undertake such joint programs, activities, and initiatives as such Secretaries and the Director consider appropriate to facilitate and further the dissemination of such lessons and best practices as will be of particular use to their respective departments and agencies in providing benefits, services, and support to severely wounded warriors and other wounded warriors.

(h) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) 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 committees of Congress, a report on the Program as expanded under this section.

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) A current description of the Program as expanded under this section.

(ii) A statement of the actions, if any, proposed to be undertaken to further expand the Program.

(iii) In consultation with the heads of other appropriate departments and agencies of the Federal Government, such recommendations for legislative or administrative action (including legislative or administrative action with respect to or by departments and agencies of the Federal Government other than the Department of Defense) for expanding, improving, or otherwise enhancing the Program.

(C) PUBLICATION.—The report shall be published in the Federal Register.

(D) PUBLIC COMMENT.—The Secretary shall accept comments from the public on the report, including on any recommendations pursuant to subparagraph (B)(iii), including comments from military service organizations and veterans service organizations.

(2) ASSESSMENT REPORT.—

(A) IN GENERAL.—Not later than five years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committee of Congress a report on the Program.

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A comprehensive description of the Program, including the following:

(I) Information on job placement and retention of wounded warriors who participated in the Program.

(II) A description and assessment of the career services provided under the Program to wounded warriors, with particular focus on those experiencing Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

(ii) An assessment of the financial costs resulting from the failure of wounded warriors to gain employment or achieve self-sufficiency after service in the Armed Forces.

(iii) An assessment of the efficacy of the Program in preparing wounded warriors to meet the challenges of employment after service in the Armed Forces.

(iv) Such recommendations as the Secretary considers appropriate, including recommendations for the further continuation or enhancement of the services provided under the Program.

(3) DISSEMINATION TO OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense shall share the information contained in the reports required by paragraphs (1) and (2) with the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of such other departments and agencies of the Federal Government as the Secretary of Defense considers appropriate.

(i) 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 Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives.

**SA 1306.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

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

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$270,000,000.

**SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$270,000,000.

**SA 1307.** Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1089. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

Notwithstanding any other provision of law and consistent with the treaty obligations of the United States, the Secretary of Defense shall—

(1) retain all of the 450 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 a minimum of 420 intercontinental ballistic missiles on alert or operationally deployed status;

(3) preserve all 450 existing intercontinental ballistic missile silos in operational or warm status; and

(4) distribute any reductions in the intercontinental ballistic missile force equally among the three operational intercontinental ballistic missile bases.

**SA 1308.** Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of

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

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

**SEC. . 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 1309.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SA 1310.** Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 234. PROTECTION OF UNITED STATES MISSILE DEFENSE TECHNOLOGY AND INFORMATION.**

(a) IN GENERAL.—Subject to subsection (b), none of the amounts authorized to be appropriated by this Act may be obligated or expended to provide the Russian Federation access to—

(1) classified missile defense technology of the United States, including hit-to-kill technology; or

(2) classified data, including classified technical data and warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(b) APPLICABILITY.—The prohibitions under subsection (a) apply to technology and data that was classified as of November 1, 2011, or that was classified anytime thereafter.

**SA 1311.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. EXPRESSION OF SUPPORT FOR GOVERNMENT OF KENYA FOR MILITARY ACTION IN SOMALIA AGAINST AL-SHABAAB.**

Congress—

(1) expresses gratitude to the Government of Kenya, President Mwai Kibaki, and Prime Minister Raila Odinga for conducting Operation Protect the Country against the Al-Shabaab terrorist organization;

(2) recognizes the threat posed by Al-Shabaab to regional stability and the national security of the United States;

(3) supports offering all necessary assistance for Operation Protect the Country, including the imposition of an international blockade of the port of Kismayo, as requested by the Government of Kenya and the Intergovernmental Authority on Development (IGAD); and

(4) directs the President to engage closely with our NATO and regional allies to support the Kenyan operation against the Al-Shabaab terrorist organization.

**SA 1312.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

**TITLE XXXIV—VIETNAM EDUCATION FOUNDATION**

**SEC. 3401. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.**

(a) **PURPOSES.**—Section 202 of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended by adding at the end the following:

“(3) To support the development of 1 or more academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)) by providing financial assistance to United States institutions of higher education and not-for-profit organizations in the United States to participate in the governance, management, and academic activities of such academic institutions.”.

(b) **DEFINITIONS.**—Section 203 of such Act is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **ADVISORY COMMITTEE.**—The term ‘Advisory Committee’ means the Vietnam Education Foundation Advisory Committee established under section 205.”;

(2) by redesignating paragraph (4) as paragraph (6);

(3) by redesignating paragraph (3) as paragraph (4);

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

“(3) **FUND.**—The term ‘Fund’ means the Vietnam Debt Repayment Fund established under section 207.”; and

(5) by inserting after paragraph (4) the following:

“(5) **SECRETARY.**—The term ‘Secretary’ means the Secretary of State.”.

(c) **ESTABLISHMENT.**—Section 204 of such Act is amended—

(1) by inserting “, within the Department of State,” after “established”; and

(2) by striking “as an independent” and all that follows through “Code”.

(d) **REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.**—Section 205 of such Act is amended to read as follows:

**“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There shall be established a Vietnam Education Foundation Ad-

visory Committee, which shall provide advice to the Secretary regarding the Foundation’s activities.

“(2) **MEMBERSHIP.**—The Advisory Committee shall be composed of 7 members, of whom—

“(A) 3 shall be appointed by the Secretary;

“(B) 1 shall be appointed by the majority leader of the Senate;

“(C) 1 shall be appointed by the minority leader of the Senate;

“(D) 1 shall be appointed by the Speaker of the House of Representatives; and

“(E) 1 shall be appointed by the minority leader of the House of Representatives.

“(3) **APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.**—Members appointed to the Advisory Committee may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date on which the Advisory Committee was established.

“(b) **SUPERVISION.**—The Foundation shall be subject to the supervision and direction of the Secretary, in consultation with the Advisory Committee.”.

(e) **FELLOWSHIP PROGRAM.**—Section 206(a)(1) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in the matter preceding subparagraph (A), by striking “shall” and inserting “may”; and

(2) in subparagraph (A), by striking “technology, and computer sciences” and inserting “academic computer science, public policy, management, and other applied academic disciplines relevant to Vietnam’s development”.

(f) **VIETNAM DEBT REPAYMENT FUND.**—Section 207 of such Act is amended—

(1) in subsection (a), by striking “(in this subsection referred to as the ‘Fund’)”; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—During each of the fiscal years 2012 through 2018, \$5,000,000 of the amounts in the Fund shall be available, in accordance with paragraph (2), for expenditure by the Department of State for the purpose of carrying out this title.

“(2) **DISBURSEMENT.**—The Secretary of the Treasury, upon the request of the Secretary, shall transfer amounts made available under paragraph (1) to the Department of State for the purpose of carrying out this title.”; and

(B) in paragraph (3), by striking “to the Foundation under paragraph (1)” and inserting “under this subsection”.

(g) **APPOINTMENT OF EXECUTIVE DIRECTOR.**—Section 208(a) of such Act is amended—

(1) in the subsection heading, by striking “BY BOARD”;

(2) by striking “There” and inserting the following:

“(1) **IN GENERAL.**—There”;

(3) by striking “shall be appointed by the Board” and inserting “may be appointed by the Secretary, in consultation with the Advisory Committee.”; and

(4) by striking “The Executive Director shall be” and all that follows and inserting the following:

“(2) **DUTIES.**—The Executive Director—

“(A) shall be the Chief Executive Officer of the Foundation;

“(B) shall serve the Advisory Committee;

“(C) shall carry out the functions of the Foundation subject to the supervision and direction of the Secretary;

“(D) shall carry out such other functions, consistent with the provisions of this title as the Secretary may prescribe.”.

(h) **CONFORMING AMENDMENTS.**—The Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in section 206(e), by striking “Board” and inserting “Secretary”;

(2) in section 207(d), by striking “Board” and inserting “Secretary”

(3) in section 208—

(A) by striking subsection (b); and

(B) in subsection (d), by striking “Board” and inserting “Secretary”; and

(4) in section 209—

(A) in subsection (a)(4), by striking “with the concurrence of a majority of the members of the Board.”; and

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

“(b) **ANNUAL REPORT.**—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the operations authorized under this title, including—

“(1) a list of the entities that received grants under this title during the past fiscal year, and the amount of such grants;

“(2) a description of the process used to allocate grant funds to the grantees described in paragraph (1); and

“(3) a description of how such grant funds were expended by such grantees.”.

(i) **MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.**—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “but not limited to”;

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

(3) in paragraph (9), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(10) programs administered by the Vietnam Education Foundation.”.

(j) **TRANSFER OF FUNCTIONS.**—

(1) **IN GENERAL.**—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Department of State.

(2) **PERSONNEL.**—The Secretary of State may hire—

(A) personnel who were employed by the Vietnam Education Foundation on the day before the date of the enactment of this Act; and

(B) such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code (5 U.S.C. 2101 et seq.).

(k) **SUPPORT FOR INSTITUTIONAL INNOVATION IN VIETNAM.**—

(1) **GRANTS AUTHORIZED.**—The Secretary of State may award 1 or more grants, using a transparent and competitive selection process, for the purposes set forth in paragraph (2), to—

(A) the Vietnam Education Foundation;

(B) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); and

(C) not-for-profit organizations in the United States engaged in promoting institutional innovation in Vietnamese higher education.

(2) **USE OF FUNDS.**—Grant funds awarded under paragraph (1) shall be used to establish 1 or more independent, not-for-profit, academic institutions in Vietnam, each of which shall—

(A) meet standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965;

(B) offer graduate level programs in public policy, management, and related fields;

(C) support the equitable and sustainable socioeconomic development of Vietnam;

(D) feature teaching and research components;

(E) promote the development of institutional capacity and innovation in Vietnam;

(F) operate according to core principles of good governance; and

(G) be autonomous from the Government of Vietnam.

(3) APPLICATION.—

(A) IN GENERAL.—Each institution of higher education and not-for-profit organization desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) COMPETITIVE BASIS.—The process for selecting grantees under this subsection shall be transparent and competitive and conform to—

(i) the requirements set forth under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451); and

(ii) established Federal assistance award procedures of the Department of State.

(4) SOURCE OF GRANT FUNDS.—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) ANNUAL REPORT.—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that summarizes the activities carried out under this subsection during the most recent fiscal year.

**SEC. 3402. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SA 1313.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2823. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SA 1314.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined in section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

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

(2) in paragraph (2), by adding “or” at the end; and

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

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border

protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1088(e) of the National Defense Authorization Act for Fiscal Year 2012; and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1088(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.”

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of such title is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 1315.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.**

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce

intercontinental ballistic missile solid rocket motors.

**SA 1316.** Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title III.

**SA 1317.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

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

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

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

**SA 1318.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

**SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) **FISCAL YEAR 2012 ADMINISTRATION.**—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be avail-

able to the Secretary of Defense for that purpose.

(b) **YEARS OF SERVICE REQUIREMENTS.**—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(c) **DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.**—

(1) **AMENDMENT.**—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) **DEFINITIONS.**—In this subsection:

(A) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) **TROOPS-TO-TEACHERS PROGRAM.**—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

**SA 1319.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$270,000,000.

**SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$270,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to the Energy Conservation Investment Program, strike “135,000” in the Senate Agreement column and insert “270,000”.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to Total Military Construction, Defense-Wide, strike “3,103,663” in the Senate Agreement column and insert “3,238,663”.

**SA 1320.** Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 402. REPORT ON ANTICIPATED REDUCTIONS IN END-STRENGTH LEVELS FOR UNITED STATES GROUND FORCES IN RESPONSE TO POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on potential reductions in end-strength levels for United States ground forces that would occur as a result of any reductions in funding for the Department of Defense linked to the Budget Control Act.

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

(1) A description of the reductions in end-strength levels for United States ground forces anticipated in response to potential reductions in funding for the Department of Defense.

(2) An explanation of the strategic rationale for such reductions.

(3) An explanation of the standards to be used in determining and implementing such reductions, and the resultant force structure mix, over the course of the future-years defense program submitted to Congress in fiscal year 2012.

(4) A summary of the risks such reductions pose to the capacity of the Armed Forces to execute the National Defense Strategy or any particular role or mission under that strategy.

(5) A summary of plans to manage the risks summarized under paragraph (4), including, in particular, plans for mechanisms to ensure the timeliness of any expansion of United States ground forces required in the event of a crisis and to expand the reserve components.

(6) A description of any differences in opinion on the matters covered by paragraphs (1) through (5) from the Joint Staff, the Chiefs of Staff, and the commanders of the combatant commands.

(7) Such other matters relating to such reductions as the Secretary considers appropriate.

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

(d) **UNITED STATES GROUND FORCES DEFINED.**—In this section, the term “United States ground forces” means the Army and the Marine Corps.

**SA 1321.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colo-

rado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

(b) **CONFORMING AMENDMENTS.**—

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

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

(c) **CLERICAL AMENDMENTS.**—

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

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

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

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

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

and

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

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

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

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

“(7) The Chief of the National Guard Bureau for the purpose of addressing issues in-

volving non-federalized National Guard forces in support of homeland defense and civil support missions.”.

**SA 1322.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(1) Members of the United States Special Operations Command forces, known as “Navy SEALs”, who are able to operate in sea, air, and land, bravely serve United States national security by conducting elite combat operations around the world in support of the global war on terrorism.

(2) The Navy SEALs are the critical element of the special operations capability of the United States and have retained the highest standard of loyalty, honor, and duty since their origin as Navy frogmen during World War II.

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

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

(5) The valiant Navy SEALs have courageously and vigorously pursued al-Qaeda and its affiliates in Afghanistan and around the world, and participated with the intelligence community in the elimination of Osama Bin Laden.

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

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

(2) support the mission of the Navy SEALs in the global war on terrorism; and

(3) encourage the people of the United States to learn the history and mission of the Navy SEALs.

**SA 1323.** Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 586. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.**

(a) **SECRETARY OF LABOR FOLLOW-UP WITH PROGRAM PARTICIPANTS.**—The Secretary of Labor shall contact each individual who participates in the Transition Assistance Program (TAP) of the Department of Defense not later than 180 days after the date on which the individual completes participation

in the program and not less frequently than once every 120 days thereafter for two years—

(1) to ascertain the employment status of the individual; and

(2) to refer the individual to employment assistance and services provided by the Department of Labor or Department of Veterans Affairs as appropriate.

(b) **OUTREACH TO SPOUSES.**—The Secretary of Labor shall, in conjunction with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, carry out a program of outreach to ensure that spouses of members of the Armed Forces who are eligible for participation in the Transition Assistance Program are aware that they are also eligible to participate in such program.

(c) **BIENNIAL AUDITS.**—

(1) **IN GENERAL.**—Not less frequently than once every two years, the Secretary of Labor

shall enter into an agreement with an independent nongovernmental entity to conduct an audit of the Transition Assistance Program.

(2) **ELEMENTS.**—Each audit carried out under paragraph (1) shall include, for the period covered by such audit, an assessment of the following:

(A) The persons providing training under the program.

(B) Outreach relating to the program.

(C) The employment obtained by former participants in the program, including the quality of job offers received by participants and the current employment status of former participants.

(3) **ASSESSMENT OF EMPLOYMENT.**—In assessing the employment of former participants under paragraph (2)(C), the Secretary shall assess the employment status of former participants at intervals of every 180 days,

commencing 180 days after participation in the program and ending three years after participation in the program.

**SA 1324.** Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 554, insert after the table relating to Air National Guard the following:

**Air National Guard: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi International Airport .....	Relocate munitions storage complex .....	\$3,400,000

**SA 1325.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 634. TIMELY PRODUCTION OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

With respect to a member of the Armed Forces on active duty who dies abroad, the Secretary of Defense shall take appropriate actions to ensure that the Chief of the Armed Forces Examiner Services produces the following not later than seven days after the return of the remains of the member to the United States:

- (1) A death certificate.
- (2) If a death certificate cannot be provided within such seven days, a temporary death certificate adequate for purposes of claiming commercial insurance with respect to the deceased member.

**SA 1326.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States al-

lies at test and training ranges in the continental United States.

**SA 1327.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

**SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION OF TROOPS-TO-TEACHERS PROGRAM.**

Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program (as defined in section 1049(j)(2)) during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

**SEC. 1049. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) **HIGH-NEED SCHOOL DEFINITION.**—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended by adding at the end the following:

“(6) **HIGH-NEED SCHOOL.**—The term ‘high-need school’ means—

“(A) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families, based on—

“(i) the number of children eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

“(ii) the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act;

“(iii) the number of children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act; or

“(iv) a composite of the indicators described in clauses (i) through (iii);

“(B) a high school in which not less than 40 percent of the enrolled students are children from low-income families, as described in

clauses (i) through (iv) of subparagraph (A), which may be calculated using data from the feeder schools of such high school;

“(C) a school that is served by a local educational agency that is eligible as described in section 6211(b); or

“(D) a school in which not less than 13 percent of the enrolled students qualify for assistance under part B of the Individuals with Disabilities Education Act.”.

(b) **BUREAU-FUNDED SCHOOLS.**—Section 2302(b)(2)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)(2)(A)) is amended—

(1) in clause (i), by striking “or” after the semicolon;

(2) in clause (ii)—

(A) by striking “and” after the semicolon and inserting “or”; and

(B) by inserting “foreign language,” after “special education,”; and

(3) by adding at the end the following:

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and”.

(c) **COUNSELING AND REFERRAL SERVICES.**—Section 2302(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(e)) is amended to read as follows:

“(e) **COUNSELING AND REFERRAL SERVICES.**—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who do not meet the criteria described in section 2303(a), including meeting the education qualification requirements under section 2303(c)(2).”.

(d) **YEARS OF SERVICE REQUIREMENTS; STIPEND.**—Section 2303(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)) is amended—

(1) in paragraph (2)(A)(i), by striking “6 or more years” and inserting “4 or more years”; and

(2) in paragraph (2)(A)(ii), by striking “10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and” and inserting “6 years of active duty service, 6 years of service computed under section 12732 of title 10, United States Code, or 6 years of any combination of such service; and”.

(e) **VOCATIONAL AND TECHNICAL EDUCATION REQUIREMENTS.**—Section 2303(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(c)(2)(B)) is amended by

striking “ave received the equivalent” and all that follows through “field; or” and inserting the following:

“(i) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or”.

(f) RESERVE ENLISTMENT REQUIREMENT.—Section 2303(e)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(e)(2)(B)) is amended by striking “(in addition to any other reserve commitment the member may have)”.

(g) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(h) HIGH-NEED SCHOOL.—Section 2303(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(d)) is amended to read as follows:

“(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary—

“(1) shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, foreign language, or career or vocational subjects; and

“(B) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(2) may give priority to members who agree to seek employment in a high-need school.”.

(i) DEFINITIONS.—Section 2304(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6675(d)) is amended by striking paragraph (3).

(j) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the

Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

**SA 1328.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. REPORT ON IMPROVEMENT OF JOINT, INTERAGENCY, AND INTERGOVERNMENTAL METHODS FOR COLLECTING, PROCESSING, EXPLOITING, AND DISSEMINATING DATA FROM UNMANNED AERIAL SYSTEMS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the heads of other appropriate departments and agencies of the Federal Government, submit to Congress a report on means of improving joint, interagency, and intergovernmental methods for collecting, processing, exploiting, and disseminating data from unmanned aerial systems.

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

(1) Recommendations for means to improve interoperability between operators of unmanned aerial systems and users of data collected by unmanned aerial systems, including the Department of Defense, the Department of Homeland Security, and other Federal and State governmental users, including recommendations for improvements regarding the following:

(A) Unmanned aerial systems operations, including crew and contractor support.

(B) Network architecture and infrastructure for unmanned aerial systems and proc-

essing, exploitation, and dissemination facilities.

(C) Methods of processing, exploiting, and disseminating data collected from unmanned aerial systems, with an emphasis on improvement of dissemination of such data.

(2) An assessment of the feasibility of each of the following (including whether the feasibility of each is enhanced by reason of any improvements recommended under paragraph (1)):

(A) The establishment of a joint Distributed Common Ground Station (DCGS), or similar processing, exploitation, and dissemination facilities, consisting of appropriate elements of the Air Force, the Army, the Navy, and the Marine Corps.

(B) The establishment of an interagency Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Department of Defense, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government, including members of the National Guard in State status serving both the Army National Guard or the Air National Guard and a Federal or State civilian agency.

(C) The establishment of an intergovernmental Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Federal Government and State governments, particularly for purposes of collecting, processing, exploiting, and disseminating data from unmanned aerial systems on natural disasters.

(3) An identification and assessment of means of resolving each of the following in connection with the collecting, processing, exploiting, and disseminating of data from unmanned aerial systems:

(A) Issues arising from the classified nature of some data collected by unmanned aerial systems.

(B) Issues in connection with the advantages and disadvantages flowing from the geographic dispersal of unmanned aerial systems and processing, exploitation, and dissemination facilities throughout the United States.

(C) Issues relating to whether the Department of Defense, in using unmanned aerial systems to collect data and using processing, exploitation, and dissemination facilities to process, exploit, and disseminate data in the United States, constitutes a *posse comitatus*.

(4) Such other matters as the Secretary of Defense considers appropriate.

**SA 1329.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 515. REPEAL OF REQUIREMENT THAT THE CHIEF OF THE NATIONAL GUARD BUREAU BE APPOINTED FROM AMONG OFFICERS RECOMMENDED FOR APPOINTMENT BY THE GOVERNORS OF THE STATES.**

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

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

**SA 1330.** Mr. WEBB submitted an amendment intended to be proposed by

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

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

**SEC. 1088. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) **IN GENERAL.**—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1.171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield, for approximately 1.170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.

(2) **MAP.**—The land to be exchanged is depicted on the map titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer shall occur without reimbursement or consideration.

(B) **DEADLINE.**—The Secretary and the Secretary of the Army shall complete the transfers authorized by this subsection not later than 120 days after the funds are made available for that purpose.

(C) **MANAGEMENT.**—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

**SA 1331.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

which was ordered to lie on the table; as follows:

On page 364, after line 22, add the following:

(e) **SUNSET.**—This section and any requirements under this section shall expire on September 30, 2013.

**SA 1332.** Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

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

(1) The approved Air Sea Battle Concept.  
 (2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in both unclassified and classified form.

**SA 1333.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mr. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 14 and all that follows through the end and insert the following:

**SEC. 1609. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) **STATE PARTNERSHIP PROGRAM.**—  
 (1) **IN GENERAL.**—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 116. State Partnership Program**

“(a) **AVAILABILITY OF APPROPRIATED FUNDS.**—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Non-governmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of a foreign country.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

**SA 1334.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. EXCEPTION TO THE MEDICARE EXPANSION RESTRICTIONS FOR PHYSICIAN-OWNED HOSPITALS FOR CERTAIN HOSPITALS LOCATED NEAR A MILITARY INSTALLATION.**

(a) IN GENERAL.—Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)) is amended—

(1) in paragraph (1)(B), by striking “paragraph (3)” and inserting “paragraphs (3) and (7)”;

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

“(7) ADDITIONAL EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

“(A) IN GENERAL.—The requirement under paragraph (1)(B) shall not apply to a hospital described in subparagraph (B).

“(B) HOSPITAL DESCRIBED.—A hospital is described in this subparagraph if it meets the following requirements:

“(i) The hospital makes emergency services available 24 hours a day and 7 days a week.

“(ii) The hospital is an authorized provider of health care services under the TRICARE program.

“(iii) The hospital is located within 75 road miles of a United States military installa-

tion (as defined by the Secretary of Defense).”.

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

**SA 1335.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF MOLDOVA.**

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that the denial of nondiscriminatory treatment should no longer apply to the products of Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 shall cease to apply to Moldova.

**SA 1336.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1089. REPORT ON, AND LIMITATION ON APPLICATION OF, PROPOSED FEDERAL AVIATION ADMINISTRATION RULE WITH RESPECT TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the following:

(1) An assessment of the effects of the proposed rule of the Federal Aviation Administration with respect to flightcrew member duty and rest requirements (as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852)) on Department of Defense operations.

(2) A description of—

(A) the efforts of the United States Transportation Command to inform the Administrator of the Federal Aviation Administration of concerns with respect to the application of the proposed rule; and

(B) the response, if any, received by the United States Transportation Command from the Administrator.

(3) An assessment of options available to the United States Transportation Command

and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

(b) **LIMITATION ON APPLICATION OF PROPOSED RULE.**—Notwithstanding any other provision of law, the proposed rule specified in subsection (a)(1) may not take effect with respect to flights operated by or in support of the Department of Defense or in furtherance of national security until the date that is 90 days after the report required by subsection (a) is submitted.

**SA 1337.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 933. REPORT ON THE INCORPORATION OF EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.**

(a) **REPORT REQUIRED.**—Not later than 90 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 incorporation into Department of Defense networks or the networks of Department of Defense contractors of equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

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

(1) A comprehensive list of the networks of the Department of Defense into which equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations was incorporated.

(2) A comprehensive list of the networks of Department of Defense contractors into which such equipment was incorporated.

(3) An assessment of the vulnerabilities created by the incorporation of such equipment into such networks.

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

**SA 1338.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 889. PROHIBITION ON USE OF FUNDS FOR CONTRACTS THAT INCORPORATE EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.**

None of the amounts authorized to be appropriated by this Act may be expended on a contract that results in the incorporation into Department of Defense networks of any equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

**SA 1339.** Mr. INHOFE submitted an amendment intended to be proposed by

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

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

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

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

(1) in subsection (a), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit”; and

(2) in subsection (b)—

(A) by redesignating paragraph (12) as paragraph (15); and

(B) by inserting after paragraph (11) the following new paragraphs:

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

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

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

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

“(D) Chinese foreign aid to and economic investment in other countries.

“(13) Activities by the Government of the People's Republic of China at or near United States military installations worldwide.

“(14) Activities by the Government of the People's Republic of China in key industries, including energy, rare earth minerals, biotechnology, and telecommunications, and the implications of those activities to the national security of the United States.

“(15) Joint ventures between firms in the People's Republic of China and contractors of the Department of Defense that involve the intellectual property of those contractors.”

**SA 1340.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 889. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.**

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

(1) There are 1,680 policy documents and 91 laws affecting the Federal acquisition rules (FARs), with 30 new documents added in 2011.

(2) The Department of Defense has developed alternative procedures, working groups, and organizations, such as the Joint Improvised Explosive Device Defeat Organization (JIEDDO), that essentially bypass current Federal acquisition rules in order to rapidly field new weapons systems critically needed by our warfighters.

(3) In 2005, the Defense Acquisition Performance Assessment (DAPA) panel found that problems in the defense acquisition system were deeply embedded in many of its acquisition management processes.

(4) The General Services Administration (GSA), the National Aeronautics and Space Administration (NASA), the Department of Defense, and the Office of Management and Budget (OMB) met in February 2011 to develop “bold, new ways to improve the product quality and timeliness of the FAR process” and “called for a tune-up of the FARs”.

(5) Despite attempts by Congress and other Federal agencies, Federal acquisition rules remain complicated and outdated, leading to increased procurement times and costs.

(b) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(2) **ELEMENTS.**—The assessment required by this subsection shall include, but not limited to, the following:

(A) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(B) A consideration of the history, rationale and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(C) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(D) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(E) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(F) An assessment of the feasibility and advisability of establishing an independent commission to reform the Federal acquisition rules.

(G) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by this subsection.

**SA 1341.** Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 1 of the amendment, beginning on line 2, strike “**LIMITATION**” and all that follows through page 2, line 2, and insert the

following: “**SENSE OF CONGRESS ON IMPORTANCE OF ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.**”

It is the sense of Congress that—

(1) as mandated in the 2010 Quadrennial Defense Review, in order to mitigate the risk of a terrorist attack, accident, or natural disaster, the United States Navy will homeport an East Coast carrier in Mayport, Florida;

(2) numerous studies have affirmed what the Navy has maintained all along, that dispersing our capital ships is in our best national security interest;

(3) this decision has been supported by the past four Chiefs of Naval Operations, and both President George W. Bush and President Barack Obama;

(4) during this time of fiscal austerity, the case for strategic dispersal has been strengthened by the recent Government Accountability Office report that states that the total one-time cost of homeporting a nuclear-powered aircraft carrier at Naval Station Mayport is expected to be between \$258,700,000 and \$356,000,000, which is well below the Navy’s estimate of the one-time cost as \$537,600,000;

(5) the infrastructure improvements necessary to ready Mayport for a carrier move in 2019 are purposefully spread out over the next five years in order to mitigate the impact on the Navy’s budget in any given year; and

(6) dispersing the East Coast carrier fleet is a national security priority, and the infrastructure improvements necessary to achieve this goal are vital to the defense of our Nation.

**SA 1342.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “OPERATION AND MAINTENANCE” under the heading “CORP OF ENGINEERS—CIVIL” under the heading “CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY”, strike “such fees have been collected” and all that follows through the matter under the heading “REGULATORY PROGRAM” and insert the following: such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

#### REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining to regulation of navigable waters and wetlands: *Provided*, That \$64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That \$128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

At the appropriate place, add the following:

**SEC. \_\_\_\_.**

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established

under section 144 of title 23, United States Code, \$238,000,000, to remain available until expended, which shall be derived by transfer from amounts made available under the heading under the heading “TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM” under the heading “DEPARTMENT OF ENERGY, ENERGY PROGRAMS”, so that the total amount available under the heading “TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM” is \$0.

**SA 1343.** Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5 \_\_\_\_.** None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

#### PRIVILEGES OF THE FLOOR

Ms. AYOTTE. Mr. President, I ask unanimous consent that Dennis Deziel, a defense fellow in my office, be granted floor privileges during the consideration of S. 1867.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Joel Garrison, a defense legislative fellow in our office, be granted floor privileges for the consideration of these amendments.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator CONRAD, Air Force MAJ Jason Jensen, be granted the privilege of the floor for the duration of debate on S. 1867.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to allow CDR Mike Moore, my defense legislative fellow, floor privileges through final passage of S. 1867, the National Defense Authorization Act.

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

Mr. SESSIONS. Mr. President, I will say how much I have appreciated Commander Moore’s contributions to our effort to preserve and protect and defend this country, and he is going to be returning to the full naval service before too much longer. It has been a great asset to have him on board.

Mr. LEVIN. Mr. President, I ask unanimous consent that Christopher

White, a national security fellow in Senator WARNER’s office, be given floor privileges during the consideration of the pending bill.

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Connecticut, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:24 p.m., recessed subject to the call of the Chair and reassembled at 3:47 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

Mr. REID. Mr. President, I thought we were in a quorum call. I didn’t realize we were out of session subject to the call of the Chair, so I thank the Chair.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 28, 2011, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 270; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 270; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any related statements be printed in the RECORD; that the President of the United States be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 436, 445, 446, 447, 448, 449, 451, 452, 453, 454, 455, 457, 466, 467, 468, 469, 470, 471, and 498; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### SMALL BUSINESS ADMINISTRATION

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.