

along with Senator LEAHY allowing the heaviest trucks to travel on the interstate highways in Maine and Vermont rather than forcing them onto secondary roads and downtown streets.

Currently, the heaviest trucks in Maine are diverted onto secondary roadways that cut through our downtowns on narrow streets. This creates a major safety concern. It simply makes no sense to force heavier trucks off the highway and onto our smaller roads, jeopardizing the safety of both drivers and pedestrians.

In 2009, I authored a pilot project that allowed trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates for 1 year. According to the Maine Department of Transportation, the number of accidents involving trucks decreased. During the 1-year period covered by the pilot, the number of crashes involving trucks on Maine's local roads was reduced by 72 compared to a 5-year average. This information and other data gathered during the pilot provide proof that this language will increase safety.

In a case study of a freight trip following this route from Hampden to Houlton, when these trucks were allowed to use I-95 rather than Route 2, the driver avoided 300 intersections, 4 hospitals, 30 traffic lights, 9 school crossings, 4 railroad crossings, and 86 crosswalks.

Virtually every safety group in Maine supports this language. These groups include the Maine Association of Police, the Maine State Police, the State Troopers Association, the Maine Department of Public Safety, and the Maine Chiefs of Police. This language is also supported by education and child advocacy groups such as Maine Parent Teachers Association and the Maine School Superintendents Association.

Let me make clear: my amendment does not increase the size or weight of Maine trucks. The only question is on which roads they are allowed to travel.

This has been a long and hard-fought battle. But I am delighted that I was able to convince my colleagues in both the House and Senate to support my provision to allow the heaviest trucks to drive on Federal highways in Maine.

I also want to voice my support for the Agriculture Appropriations title of this legislation. I am particularly appreciative of the efforts of the chairman and ranking member of the Agriculture Subcommittee, Senators KOHL and BLUNT, and their staffs for their diligent work to move this legislation forward.

I also want to thank my colleague, Senator MARK UDALL, for joining me in co-authoring an amendment to ensure that schools continue to have the flexibility they need to serve children nutritious meals at an affordable cost. We worked with Members from both sides of the aisle and from across the country in crafting a bipartisan amendment that achieves this goal.

Our efforts will go a long way in ensuring that schools can serve healthy

meals that meet the nutritional needs of students in a way that fits their budgets. The language overturns arbitrary restrictions proposed by the USDA that would have so restricted the use of potatoes in the school lunch program that a school could not have served a baked potato and an ear of fresh corn in the same week—an absurd result.

We heard from many school advocacy organizations and school and school food service professionals that the rule as proposed was too prescriptive, too limiting, and too expensive. USDA estimates that the opposed rule would have cost as much as \$6.8 billion over 5 years. The lion's share of these costs would have been incurred by the state and local agencies.

We were pleased to have the support of the American Association of School Administrators, National School Boards Association, Council of the Great City Schools, National Association of Elementary School Principals, Maine Parent Teacher Association, Maine School Management Association, Maine Principals Association, Maine Department of Education, and so many more.

Mr. President, for these and many other reasons I am proud to support the FY 2012 conference report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

Mr. REID. Mr. President, we would yield back whatever time is left on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back on the Democratic side.

Mr. REID. Mr. President, we are going to continue to work tomorrow on the DOD authorization bill. Everyone has been told by the two managers of this bill that if they have amendments, they should offer them.

We are working on the Energy and Water bill. While we are making progress on that with Senators FEINSTEIN and LAMAR ALEXANDER, we have some nominations we are working on.

The next vote will be at 5:30 on November 28.

We will be in session tomorrow.

Mr. BLUNT. Mr. President, I yield back the Republican time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the conference report to accompany H.R. 2112.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—70

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeben	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boozman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Kyl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	McConnell	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—30

Ayotte	Enzi	McCain
Barrasso	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 30. Under the previous order requiring 60 votes for the adoption of this conference report, the conference report is agreed to.

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

Mr. MENENDEZ. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

Mr. LEVIN. Mr. President, if I could, there are a number of Senators here who want to offer their amendments and make them pending tonight. That is fine with us. Then if they have speeches, I would suggest that they withhold speeches until everybody who has amendments here can offer them and set them aside so that we can allow people to leave and then have the speeches come, if there are speeches tonight, after anybody who wants to make their amendment pending has that opportunity.

That is the process I would suggest, and Senator MCCAIN is supportive of that process. So that is my suggestion: that the Chair recognize people as the Chair wishes, call up your amendment, set it aside, let the next person call up their amendment, set it aside, and if there are any speeches, that they come after everybody who is recognized to call up their amendment has that opportunity.

Now, one other thing. This relates to what will happen, hopefully, tonight and tomorrow; that is, we are going to try to clear amendments, if we can, tonight and tomorrow. We will be here at 9 o'clock, and we are going to try to clear as many amendments as we can because we have to make progress on this bill.

I just want to thank Senator MCCAIN for all he is doing to help that process and help our leaders.

Mr. MCCAIN. Mr. President, I understand we have a couple of amendments already from Senator CARDIN, No. 1073 and 1188.

Mr. LEVIN. Are his two amendments cleared on your side? We have cleared one.

Mr. MCCAIN. We should momentarily.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 1125 AND 1126

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendments be set aside in order to call up amendments Nos. 1125 and 1126.

I further ask that Senators LEAHY, DURBIN, and UDALL of Colorado be added as cosponsors to both amendments.

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

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes en bloc amendments numbered 1125 and 1126.

The amendments are as follows:

AMENDMENT NO. 1125

(Purpose: To clarify the applicability of requirements for military custody with respect to detainees)

On page 361, line 9, insert "abroad" after "is captured".

AMENDMENT NO. 1126

(Purpose: To limit the authority of the Armed Forces to detain citizens of the United States under section 1031.)

On page 360, between lines 21 and 22, insert the following:

(e) APPLICABILITY TO CITIZENS.—The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 1107 be called up.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 1107.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To revise the provisions relating to detainee matters)

Strike subtitle D of title X and insert the following:

Subtitle D—Detainee Matters

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

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1115

(Purpose: To reauthorize and improve the SBIR and STTR programs, and for other purposes)

Ms. LANDRIEU. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1115, and I ask to make it pending on behalf of myself, Senator SNOWE, and I appreciate the cosponsorship of Senators SHAHEEN, BROWN of Ohio, and KERRY.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] for herself and Ms. SNOWE, proposes an amendment numbered 1115.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Ms. LANDRIEU. This is an amendment which would reauthorize two of the most important research programs for small businesses of this country.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1197

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1197.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 1197.

Mr. FRANKEN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require contractors to make timely payments to subcontractors that are small business concerns)

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

SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

"(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

"(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

"(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

"(B) developing—

"(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

"(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

"(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(H) any information required to be included under the regulations issued under section 15(s)."

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1073

Mr. CARDIN. Mr. President, I ask unanimous consent that the pending amendments be set aside so I may offer my first amendment, No. 1073.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1073.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland)

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

**SEC. 1088. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.**

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

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1188

Mr. CARDIN. I ask unanimous consent that the amendment now be set aside so I can offer amendment No. 1188.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR, proposes an amendment numbered 1188.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations)

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

**SEC. 1049. EXPANSION OF OPERATION HERO MILES.**

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

“(b) TRAVEL BENEFIT DEFINED.—In this section, the term ‘travel benefit’ means—

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

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

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

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

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

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

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

(d) STYLISTIC AMENDMENTS.—

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

**“§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families”.**

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

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

Mr. LEVIN. Mr. President, on No. 1188, I believe this amendment has been cleared on both sides, and we could actually agree to it tonight, right now.

The PRESIDING OFFICER. Is there further debate on the amendment?

The amendment (No. 1188) was agreed to.

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

Mr. LEVIN. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1114

Mr. BEGICH. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 1114.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH], for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1114.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents)

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

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

(a) ELIGIBILITY.—

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

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

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

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

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

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

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

“(A) is entitled to retired pay;

“(B) is described in subsection (b);

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1149

Mr. BEGICH. I ask unanimous consent that the current amendment be set aside for one more.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH] proposes an amendment numbered 1149.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska)

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

**SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.**

(a) CONVEYANCES AUTHORIZED.—

(1) IN GENERAL.—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the “JBER”); the Municipality of Anchorage, an Alaska municipal corporation (in this section referred to as the “Municipality”); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER’s current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) TRANSFER OF ADMINISTRATIVE CONTROL.—

(1) REAL PROPERTY ACTIONS.—The Secretary of the Interior shall complete any real property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) ADMINISTRATIVE JURISDICTION.—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

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

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or 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) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

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

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, if there is no one else who wishes to offer amendments—

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1120

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1120.

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

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr.

BLUMENTHAL, Ms. STABENOW, and Mr. DURBIN, proposes an amendment numbered 1120.

Mrs. SHAHEEN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense)

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

**SEC. 714. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.**

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

Mr. CARDIN. Mr. President, first, let me thank Senator LEVIN and Senator MCCAIN with regard to amendment No. 1188, which was my Hotels for Heroes amendment. I am going to be very brief.

Hotels for Heroes follows on Hero Miles, a successful program which allows our wounded warriors and their families to use frequent flyer miles that are donated for trips to military care facilities. I compliment my colleague in the House, Congressman DUTCH RUPPERSBERGER, for his work on establishing that program.

The amendment which was just accepted, which Senators WICKER, FEINSTEIN, MIKULSKI, ROCKEFELLER, CASEY, and BURR cosponsored, expands that program to include hotel points so that family members can use the donated hotel points for housing so they can be near and visit their wounded warriors who are on rest and recuperative leave, emergency leave, convalescent leave, or another form of authorized leave necessary because of an injury or illness incurred or aggravated in the line of duty in support of a contingency operation.

I also want to comment very briefly on the other amendment I filed, which is No. 1073, that Senator MIKULSKI cosponsored. This amendment would prohibit the District of Columbia’s National Guard from operating or expanding its Youth Challenge Program in Anne Arundel County because there is also a better alternative already in place.

The DC National Guard currently partners with the Maryland National Guard to provide valuable service to at-risk children through the Youth Challenge Program at Aberdeen Proving Grounds in Harford County, MD. I have visited the two programs at that site, and that is where I think it is logical to see an expansion.

Here’s the problem with the so-called Oak Hill facility in Anne Arundel County, which is what this amendment deals with: that parcel of land borders the National Security Agency (NSA), which will need more space. This is Federal property located in the State of Maryland that is important for our national security.

In the 1920s, the District of Columbia got permission from Congress to place on that property—and please understand I am quoting from the original authorizing language—a facility for children that are “feeble-minded.” That was the exact language contained in the fiscal year 1924 District of Columbia appropriations bill.

Since that time, the District, without our knowledge, constructed a juvenile detention facility and now wants to add the Youth Challenge Program, which is doing just fine at Aberdeen. The purpose of this amendment is to say: Look, we already have a place where the Youth Challenge Program should be and can expand as necessary. We should not be using this other Federal land in the State of Maryland adjacent to NSA for this type of expansion without working with the appropriate State and local officials, as well as federal officials.

I hope this amendment can get cleared. But I wanted to explain the reason I filed it and called it up. I thank the Chair for your attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered—

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. FRANKEN. I yield.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. MCCAIN. Mr. President, I would just say that we have the Senator from Maine here. I thought we were going to go through the process of pending amendments before we spoke. I think the Senator's amendment is already pending.

Mr. FRANKEN. It is. Because the Senator from Maryland spoke to his amendment, I thought that process was over. I apologize.

Mr. MCCAIN. Not at all. It is no big deal at all. Maybe the Senator from Maine could make her amendments pending.

Mr. LEVIN. Would the Senator from Maine yield?

I wanted to thank the Senator from Minnesota for his courtesy because he had no way of knowing that the Senator from Maine was here to offer her amendments. I just want to thank the Senator.

Mr. FRANKEN. I would like to thank the Senator from Michigan for thanking me.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NOS. 1105, 1155, 1158, AND 1180

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I could call up to make pending en bloc amendments Nos. 1105, 1155, 1158, and 1180, which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes en bloc amendments numbered 1105, 1155, 1158, and 1180.

The amendments are as follows:

AMENDMENT NO. 1105

(Purpose: To make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities)

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

AMENDMENT NO. 1155

(Purpose: To authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy)

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

**SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.**

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

- (1) Physical therapy.
- (2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

- (1) The military departments.
- (2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

AMENDMENT NO. 1158

(Purpose: To clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities)

On page 367, strike line 11 and all that follows through “Guantanamo” on line 18 and insert the following:

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

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

AMENDMENT NO. 1180

(Purpose: Relating to man-portable air-defense systems originating from Libya)

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

**SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.**

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by

aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disarmed, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) FORM.—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(C) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (1) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President

considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, AND 1093

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for the purpose of the consideration of 10 amendments en bloc. I will read these: 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes en bloc amendments numbered 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1094

(Purpose: To include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities)

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

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

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

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

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

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

AMENDMENT NO. 1095

(Purpose: To express the sense of the Senate on the importance of addressing deficiencies in mental health counseling)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1096

(Purpose: To express the sense of the Senate on treatment options for members of the Armed Forces and veterans of Traumatic Brain Injury and Post Traumatic Stress Disorder)

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

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

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

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

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

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

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

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

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

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

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

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

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

#### AMENDMENT NO. 1097

(Purpose: To eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury)

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

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

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

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

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

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

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

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

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

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

#### (b) STREAMLINING PLAN.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

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

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

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

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

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

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

(F) A timeline for enactment of the plan.

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

#### AMENDMENT NO. 1098

(Purpose: To require a report on the impact of foreign boycotts on the defense industrial base)

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

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

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

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

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

(2) the apparent objection of each such boycott;

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

(4) an assessment of the sufficiency of Department of Defense and Department of

State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

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

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

#### (d) DEFINITIONS.—In this section:

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

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

(A) the congressional defense committees; and

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

#### AMENDMENT NO. 1099

(Purpose: To express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces)

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

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

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

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

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes”.

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

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

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

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

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

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

AMENDMENT NO. 1100

(Purpose: To extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan)

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

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

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

AMENDMENT NO. 1101

(Purpose: To strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army)

Strike section 156.

AMENDMENT NO. 1102

(Purpose: To require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace)

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

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

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

AMENDMENT NO. 1093

(Purpose: To require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered, No. 1197, will help small businesses. Small businesses often serve as subcontractors, or suppliers, to large corporations that have a primary government contract. My amendment would help guarantee that small businesses get paid by these large corporations in a timely way. More specifically, my amendment would require the Office of Management and Budget to issue regulations in the next year to do this.

This amendment sounds simple. There is a reason for that. It is. It is something we can do here today that will offer real and significant help to small businesses. It is going to offer predictability and certainty to them.

Anyone who owns a small business will tell you that they can't hire more people or plan for the future if they don't know when their next paycheck is coming. Getting their money more predictably and quickly will enable them to make the investments they need to grow, thrive, and hire more people.

The administration has recognized that small businesses are the engine that drives our economy. According to the U.S. Census Bureau, small businesses create an overwhelming majority of all new jobs. Small businesses are also responsible for producing half of the private sector GDP.

Given this, it makes sense to me that we need to figure out how to make sure small businesses are getting paid on

time. OMB recognized this and issued a new policy statement that will require all Federal agencies to make payments to their small business contractors within 15 days of receiving an invoice. But the fact is, a lot of small businesses serve as subcontractors to direct prime contractors. It only makes sense that we should require our large prime contractors to play by the same rules we play by and to pay their suppliers in a timely manner.

When Congress passed the Prompt Payments Act back in 1983, it recognized that the Federal Government needed to lead by example, and that we should be paying all of our contractors in no more than 30 days after the contractor sent an invoice our way. Congress went back in 1988 to create an obligation on construction contractors that they pay their suppliers within 7 days of the government paying them. But no other contractors were under the same commonsense obligation. I think that is a mistake we should correct, especially as we are pouring billions and billions of government dollars into contingency operations overseas—and all sorts of other projects that have nothing to do with construction. All suppliers working with these contractors deserve to be paid on time. I am hoping one day we can tackle this problem for all subcontractors, not just small businesses that are contractors.

For now, my amendment takes a modest approach and focuses on the biggest problem—creating certainty and predictability for small business subcontractors.

The National Federation of Independent Business recently conducted a survey, and they found nearly 40 percent of firms reported that receivables are coming in at a slower pace. I have heard stories from companies that have not been paid in 90 days or 120 days after they have invoiced. This is unacceptable.

These sorts of delays affect cashflow for these small businesses and make it tough for these businesses to meet payroll obligations and pay their other basic bills, such as their rent.

I want to tell a personal story that relates to small businesses and how important it is to them to be paid on time or how important cashflow is. My uncle, Lionel Kunst, was a small businessman. He died in 1994. I went to his funeral. At the funeral were a number of his business associates—people who supplied him. He made fabric, quilting. These were people who supplied him and people whom he supplied. One after another got up and testified how quickly he paid, or how, if they could not pay on time, he would cut them some slack. That is how important this is. That is how important it was to them. My uncle was a mensch. It was a big deal. These guys got up and all talked about this.

This is what we should do. We should do it for these small business subcontractors—make sure they get paid on time. That is all.

This is a sensible, simple solution to a real problem that small businesses are confronting. I urge my colleagues to support me in this effort.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CASEY. Mr. President, I would first of all like to thank Chairman LEVIN and Ranking Member MCCAIN for their work on this national defense authorization bill, and tonight I will speak to an amendment I filed. I will not call it up for now. I just want to speak to it. This is a critically important debate for the country, and I know the chairman and ranking member have worked very hard on it.

I have had the honor and the pleasure to work with Senator LEVIN on a number of measures over the years, and one of the real concerns we all have is what is happening to our troops as it relates to IEDs—improvised explosive devices. It has been central to the work many of us have done, certainly my work as a member of the Foreign Relations Committee, and, of course, Chairman LEVIN and so many others working on this bill for a long time.

It does have a daily impact, obviously, on our troops and on their families. Often the best words about our soldiers and the war itself come from Lincoln when he talked about those who lose their life in battle, those who gave, as he said, “the last full measure of devotion to their country.” But he also talked about those who served and are wounded and who come back. His words to describe those soldiers, when he spoke of them, was “him who has borne the battle.”

I think about those words when I consider those who have borne the battle and come back with not just injuries but with grievous injuries—sometimes almost irreparable harm done to them because of the explosion they lived through from an IED.

I was in Bethesda Naval Hospital a couple weeks ago. It is one of the real privileges of serving in the Senate that we are given the opportunity to meet so many brave young men and women who serve—those who serve and are never hurt, those who serve and are wounded, and, of course, unfortunately, we meet the families of those who lose their life in battle. But as I said, a couple weeks ago, at Bethesda Naval Hospital, I walked into the room of a soldier who had been injured and was recovering. His parents and his brother were in the room with him. One is always worried about staying too long because you feel like you are almost intruding. But for some reason, that night, I didn't feel I was intruding be-

cause this wounded soldier wanted to talk. He wanted to talk about his service, he wanted to talk about his love for his country, how he was injured, and he also talked about the future—what he wanted to do when he left that hospital bed.

It was a stunning moment for me to hear—from a soldier who is looking up from his hospital bed—of the optimism he displayed about his future. The calm with which he could speak about his service was, to me, stunning. He talked as if he were just recovering from a minor injury. Halfway through my visit, I almost had to remind myself of the injuries he was suffering from. He had both legs blown off below the knee from an IED blast. But despite that, despite the horror of it, despite the damage done to his body—a 20-year-old soldier—he was talking about the future, what he was going to do when he left that hospital, and he was talking about his service.

So when we see soldiers such as him, I think it inspires us all the more and compels us to do more when it comes to protecting our troops against the scourge of IEDs. We know, and so many people here know, that they are the top killer of our troops in Afghanistan. The primary ingredient in IEDs found in Regional Command South, in Afghanistan—where the Presiding Officer and I were in August—is a fertilizer called calcium ammonium nitrate, known by the acronym CAN. It is banned in Afghanistan but unfortunately is produced in a few factories in Pakistan. Just a small percentage of what is produced in Pakistan finds its way into Afghanistan and becomes the main ingredient in the IEDs. Most of the calcium ammonium nitrate used in IEDs, unfortunately, comes from Pakistan.

Over the past 2 years, I have led an effort to urge Pakistan to do more to address this threat. I have sent letters, we passed a resolution in the Senate, and I traveled to Afghanistan and Pakistan last August to make the case directly to the leaders in Islamabad, the capital of Pakistan. As I mentioned, the Presiding Officer, Senator BENNET, along with Senators BLUMENTHAL of Connecticut and WHITEHOUSE of Rhode Island traveled with me. We spent a good deal of time in Pakistan—3 days. I think we were pretty consistent in the delivery of that message; that we were not only providing a sense of urgency but almost a directive, as best we could, urging and pushing their government as hard as we could to help us and to help themselves, by the way, because a lot of Pakistanis lose their lives this way as well.

So during these meetings, Senators BENNET, BLUMENTHAL, WHITEHOUSE, and I heard good things; that the Pakistani Government had developed a plan, a strategy to deal with this—a plan to tighten their borders, a plan to regulate the sale of calcium ammonium nitrate and other IED precursor materials, and a plan which included

conducting a public relations campaign to sensitize the Pakistani people to the dangers posed by these materials. This political commitment was encouraging, but given the ongoing and increasing threat to our troops, we need to maintain a sense of urgency about it. I think we owe our troops nothing less than that sense of urgency.

During our meetings in Islamabad, we also discussed the serious threat IEDs pose to the Pakistani people, as I mentioned a moment ago. More than 500 Pakistanis have been killed by IEDs since the beginning of this calendar year. This is a common threat that requires a common solution. This is something we can and should work on together.

It is no secret the relationship between the United States and Pakistan is not a good relationship right now. It is a vast understatement to say it has soured dramatically. There is an awful lot of tension and mistrust and a real breakdown in this relationship. One of the ways—not the only way but one of the ways—we can build some confidence so we can begin to work together on a common threat is for the Pakistani Government to take concerted action on the question of IEDs.

I do want to commend and thank those three Senators I mentioned who were on the trip with me—Senator BENNET of Colorado, the Presiding Officer, who was there for every meeting and worked very hard with us; Senator WHITEHOUSE as well, from Rhode Island; and Senator BLUMENTHAL was also with us, who spoke today about this today. I didn't hear him give his remarks on the floor, but my staff told me about them, and I thank him for those words and for the dedication to this issue he and Senators BENNETT and WHITEHOUSE have given during our trip in August and since that trip. I am proud to join them on this effort today and every day that we have been working on it. I also thank Senator BARRASSO from Wyoming for his leadership and willingness to work with us on this amendment.

This is a critical issue for our troops and for their families. I think it was so important that we delivered during our trip, and continue to deliver thereafter, a strong bipartisan message to the Pakistani Government and to any official in their government who has anything to do with this issue. I think we can deliver another message by way of this amendment on this bill. This amendment will hold Pakistan to its commitments—the commitments it already made to its strategic plan to counter IEDs.

As we know well, these IEDs are killing and injuring our troops at a terribly alarming rate. While we can never completely eradicate the component parts of IEDs, we can make life difficult for the bombmaker if we pass this amendment. We should recommit ourselves to this important mission and redouble our efforts to limit the availability of these component parts

on the battlefield. Again, we owe nothing less than that to our troops.

Often, I have said that when we talk about the commitment and the sacrifice of our troops, we should also talk about praying for them, and we all do that. Thank goodness, the American people pray on a regular basis for our troops. But I think we should also, once in a while, pray for ourselves; that we may be worthy of the valor of our troops. There aren't a lot of ways to prove yourself worthy of the valor of our troops, but one way Members of the Senate and House can prove ourselves worthy of that valor is to pass amendments, such as this amendment, to force, as best we can, officials in Pakistan to do what is right for our troops and their families, for our country but also to do what is right for their own people—the people in Pakistan who are threatened every day by IEDs.

I will conclude by saying we have an opportunity to prove ourselves worthy of the valor of our troops, and passing this amendment is one such way to do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CASEY. I ask unanimous consent to set aside the pending amendment.

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

#### AMENDMENTS NOS. 1215, 1139, AND 1140

Mr. CASEY. Mr. President, I call up three amendments.

The first amendment is amendment No. 1215, the second is amendment No. 1139, and the third is amendment No. 1140.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes amendments numbered 1215, 1139, and 1140.

The amendments are as follows:

#### AMENDMENT NO. 1215

(Purpose: To require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices)

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

**SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.**

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, cer-

tifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

#### AMENDMENT NO. 1139

(Purpose: To require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies)

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

#### SEC. 889. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”

#### AMENDMENT NO. 1140

(Purpose: To require a report by the Comptroller General on Department of Defense military spouse employment programs)

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

#### SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation

New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) **DEPARTMENT OF DEFENSE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

Mr. CASEY. Mr. President, I ask unanimous consent to set those three amendments aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AUTHORITY TO SIGN DULY ENROLLED BILLS OR  
JOINT RESOLUTIONS

Mr. LEVIN. I ask unanimous consent that on Thursday, November 17, 2011, Senator BENNET be authorized to sign duly enrolled bills or joint resolutions.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1092

Mr. LEVIN. Mr. President, I ask for the regular order on the Levin-McCain amendment.

The PRESIDING OFFICER. The amendment is the regular order. It is now pending.

MORNING BUSINESS

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

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

INTENTION TO OBJECT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1793 or its companion, H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1793/H.R. 2076 in its current form because it would expand the jurisdiction of the Federal Bureau of Investigation by giving it authority to conduct investigations of State crimes, and I believe that that is a bad precedent to set. The FBI should not be turned into a roving national police force.

I do believe in allowing Federal law enforcement agencies to assist State and local agencies, when requested. Agents providing assistance should be afforded civil liability protection.

Unfortunately, the bill excludes all other Federal law enforcement agencies that routinely provide law assistance to local law enforcement when requested. For example, local police believed the Secret Service possessed the expertise they needed to assist in their investigation of the Boston "Craigslister Killer." As a result of this expert assistance, the killer was captured. There is no reason to limit States and localities to the assistance of the FBI alone, when other agencies may have the particular expertise that is needed.

Too many people think that only the FBI helps local law enforcement. That's simply not true. State and local officers develop positive relationships with their Federal law enforcement counterparts. When a violent crisis occurs, they often request assistance from the Federal agents they already work with.

I support the idea behind the legislation: to allow State and local agencies to request the assistance of Federal law enforcement to address serious State and local crimes. But that should apply to all agencies, and should be done without expanding the authority of any Federal law enforcement agency to conduct investigations of State and local crimes on its own, at the expense of other State, local, and Federal law enforcement agencies.

The bill as reported also contains an ill-advised requirement that the Bureau cannot provide assistance to State or local law enforcement agencies unless three persons have died. Given that the bill purports to permit assistance in the case of attempted mass murder, a requirement that three people have died before assistance can be provided, is flawed. Moreover, there have been serious crimes involving mass shootings in which, fortunately, no one has died. No assistance could be provided to investigate such crimes under the bill in its current form.

Until these concerns are addressed and further changes are included in the bill, I support holding this legislation on the Senate floor.

TRIBUTE TO DANA SINGISER

Mr. LEAHY. Mr. President, I would like to take this opportunity to honor a dear friend and native Vermonter, Dana Singiser. Dana has accepted the position of Vice President for Public Policy and Government Affairs for Planned Parenthood, and while I am sorry to see her leave President Obama's administration, I am proud to recognize Dana's hard work and wish her continued success in her career.

Dana was raised in the small rural town of Mendon, VT, where her mother—the Mendon town clerk—instilled in her the values of democracy and the importance of staying engaged in her community. Dana carried this spirit with her in her career on Capitol Hill and on several presidential campaigns. Dana came to my office as an intern in the summer of 1991 while attending Brown University. I was immediately impressed with her intelligence, work ethic, and gregarious personality. I knew she would go on to accomplish great things, and indeed she has. After graduating from Brown, she attended law school at Georgetown University and spent 7 years at a law firm before her return to public service, where she has remained.

Dana served as the Director of Women's Outreach for Hillary Clinton's presidential bid—an opportunity that allowed her to grow her career in politics. She later also quickly proved herself a valuable asset to President Obama's campaign, and following his election she was appointed Special Assistant to the President for Legislative Affairs, where she has served for the last 3 years.

While she has enjoyed her time at the White House, Dana has also gained immeasurable experience that will certainly add to her already successful career. In Dana's new role with Planned Parenthood, she can continue her long fight to protect women's rights, and I am glad to see her continue to follow her passion. Vermonters are proud to recognize Dana Singiser's hard work, and we wish her continued success in her career.

I ask unanimous consent that an article about her achievements, from The