

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into aggressive sales tactics on the Internet and their impact on American consumers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1423. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her

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

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

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

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

SEC. 1088. SENSE OF SENATE ON EQUINE-ASSISTED THERAPY FOR WOUNDED WARRIORS AND VETERANS.

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

(1) The bonds that exist between humans and animals can be a beneficial foundation for recovery from wounds, illness, and injury.

(2) Equine-assisted therapy may contribute beneficially to the rehabilitation of wounded warriors and veterans through physical stimulation and strengthening, improved cognitive focus, mental awareness, fitness, and self-esteem.

(3) In 2005, the 1st Cavalry Division at Fort Hood, Texas, conducted a pilot program on equine-assisted therapy for wounded warriors at the Brooke Army Medical Center, San Antonio, Texas.

(4) The Caisson Platoon Equine-Assisted Therapy Program at Fort Myer, Virginia, which is inspired and sustained by former members of the Armed Forces and volunteers, has been providing equine-assisted therapy for wounded warriors undergoing rehabilitation and treatment at the Walter Reed Army Medical Center and veterans since 2006, with the support of horses and members of the Armed Forces serving in the 1st Battalion, 3rd United States Infantry Regiment, known as the "Old Guard".

(5) The Department of Veterans Affairs has recognized the importance and benefits of equine-assisted therapy since 2007, and currently more than 30 Department of Veterans Affairs medical centers across the country participate in programs providing such therapy.

(6) In Texas alone there are currently six collaborative programs of equine-assisted therapy involving the Department of Defense and the Department of Veterans Affairs: Rock Program in Georgetown, Texas, Horseshoes of Hope in Bonham, Texas, Panther Creek Inspiration Ranch in Spring, Texas, SIRE Therapeutic Riding Centers in Houston, Texas, Spirithorse Therapeutic Riding Center in Corinth, Texas, and Stajduhar Stables in Colleyville, Texas.

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

(1) to express gratitude for the work of all the members of the Armed Forces, veterans, and volunteers who devote time and effort under equine-assisted therapy programs to assist wounded warriors and veterans in recovering from injuries incurred in service to their country;

(2) to urge the Secretary of Defense to develop a plan for increasing access to equine-assisted therapy for wounded warriors and veterans outside the National Capital Region for whom such therapy could be beneficial in order to assist such wounded warriors and veterans in physical, mental, emotional and cognitive healing, including through collaboration between and among organizations of the Department of Defense for health, quality of life, and wounded warrior support, the Department of Veterans Affairs, and non-governmental organizations that have evaluated the effects of equine-assisted therapies in improving health and quality of life of wounded warriors and veterans; and

TEXT OF AMENDMENTS

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by

(3) to urge the Secretary to evaluate opportunities for research by public and private sector organizations on the benefits of equine-assisted therapy for wounded warriors and veterans.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

Within amounts authorized to be appropriated by section 201 and available for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201—

(1) the amount available for the Joint Surveillance Target Attack Radar System (JSTARS), Program Element 27581F, is hereby increased by \$33,000,000; and

(2) the amount available for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), Program Element 35178F, is hereby decreased by \$33,000,000.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1080. REPORT ON RELOCATION OF GOVERNMENT STATIONS FROM THE 1755-1780 MHZ BAND.

(a) IN GENERAL.—Not later than June 30, 2012, the Secretary of Defense shall, in consultation with the National Telecommunications and Information Administration, submit to the appropriate committees of Congress a report on the relocation of all Government stations currently in the 1755-1780 MHz band from that band to other bands in which Government stations operate with primary status.

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

(1) An identification of the bands of electromagnetic spectrum that currently contain Government stations capable of sharing frequencies with Government stations currently in the 1755-1780 MHz band.

(2) An identification of the bands, whether on a national or smaller geographic basis, that currently possess unoccupied or underutilized frequencies on which relocated Government stations could operate with at least the same level of interference protection with which they currently operate.

(3) An identification of the bands currently containing Government stations that could utilize more spectrally efficient technologies to accommodate the relocation of Government stations from the 1755-1780 MHz band.

(4) An estimate of the costs of relocating Government stations from the 1755-1780 MHz band to bands identified under paragraphs (1) through (3) on an expedited basis.

(5) An assessment of the minimum amount of time required to so relocate such stations on an expedited basis.

(6) An assessment of the feasibility and advisability of providing the services currently provided to Federal agencies in the 1755-1780 MHz band through commercial services or other Government stations in lieu of the relocation of Government stations currently in the 1755-1780 MHz band for that purpose.

(7) An assessment, based upon the analysis required for purposes of paragraphs (1), (2), and (3), whether Government stations relocated from the 1755-1780 MHz band would operate with at least the same level of interference protection with which they currently operate, and an identification and assessment of the operational risk associated with the relocation from the 1755-1780 MHz band of each Government station currently in that band.

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

(d) COSTS.—The expenses associated with conducting the study required for the report required by subsection (a) shall be considered relocation costs in accordance with section 113(g)(3) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(g)(3)), and eligible Federal entities that incur expenses associated with such study may seek reimbursement for such expenses pursuant to section 118 of such Act (47 U.S.C. 928).

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

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

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

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. SENSE OF CONGRESS ON PROTECTION OF CRITICAL COMPONENTS OF THE UNITED STATES ELECTRIC POWER GRID FROM ELECTROMAGNETIC PULSE EVENTS.

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

(1) The United States Government has a primary responsibility to provide for the common defense and general welfare of the United States.

(2) The society, economy, and national security apparatus of the United States are critically dependent upon the availability of electricity.

(3) A continuing supply of electricity is necessary for sustaining water supplies, production and distribution of food, fuel, communications, financial services, and other very significant elements of the United States economy.

(4) Contemporary United States society is not structured, nor does it have the means, to provide for the needs of nearly 300,000,000 Americans without electricity.

(5) Because the existing United States electrical power grid operates at or near its

physical capacity, relatively modest damage to the grid could cause functional collapse.

(6) Electromagnetic pulse (EMP) is a threat to the overall electrical power system of the United States.

(7) A major electromagnetic pulse event could couple ultimately unmanageable currents and voltages into an electric power grid routinely operated with little margin and cause the collapse of large portions of the United States electric power grid for a substantial length of time.

(8) The current strategy for recovery from an electromagnetic pulse event leaves the United States ill-prepared to respond effectively, resulting in potential damage to vast numbers of electric components over an unprecedented geographic scale.

(9) A collapse of large portions of the United States electric power grid will result in significant periods of power-outage, and restoration from collapse or loss of significant portions of the system may be exceedingly difficult.

(10) If the United States electric power grid is lost for any substantial period of time, the consequences are potentially catastrophic to civilian society.

(11) Electromagnetic pulse occurs both naturally, such as geomagnetic storms, and via manmade causes, such as the high-altitude detonation of a nuclear device.

(12) The International Atomic Energy Agency released a report in November 2011 that cites concerns over nuclear weapons-related developments in Iran.

(13) A perceived vulnerability of the United States electric power grid to electromagnetic pulse could invite a potential enemy to attempt an electromagnetic pulse attack.

(14) The Department of Defense relies upon civilian sources outside Department installations for ninety-nine percent of electricity needs.

(15) Eighty-five percent of the electricity supply for the Department is outside of Department control.

(16) There is deep concern regarding the negative impacts on the United States electric power infrastructure and Department interests from an electromagnetic pulse event unless practical steps are taken to provide protection for critical elements of the United States electric power grid.

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

(1) it is in the national interest of the United States to immediately address vulnerabilities to its electric power grid from natural and manmade electromagnetic pulse events, particularly by engaging in efforts to ensure that the United States electric power grid, especially portions of the grid critical to national security, are protected from natural or manmade electromagnetic pulse; and

(2) the Department of Defense should ascertain which of its critical sources of electricity are not protected against interruptions from natural or manmade electromagnetic pulse and develop and implement a plan to remedy any such vulnerabilities.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1243. EXTENSION OF CERTAIN AUTHORITIES RELATING TO REFUGEES.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended as follows:

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2011” and inserting “2011, and 2102”; and

(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”.

(2) In section 599E(b)(2) (8 U.S.C. 1255 note), by striking “2011” and inserting “2012”.

SA 1423. Mr. DURBIN (for himself and Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, beginning on line 14, strike “not more than 15 contracts or cooperative agreements” and insert “not more than 5 contracts or cooperative agreements per Army industrial facility”.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

“§ 3111a. Federal internship programs

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive agency;

“(2) the term ‘intern’ means an individual participating in an internship program; and

“(3) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b);

“(B) an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585);

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); or

“(D) a program that—

“(i) is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); and

“(ii) is authorized under another statutory provision of law.

“(b) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within that agency to serve as an internship coordinator.

“(c) ONLINE INFORMATION.—

“(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for each agency; and

“(B) information regarding application procedures and deadlines for each internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(d) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(e) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with any guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes that program.

“(f) REPORT.—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing that internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns who participated in an internship program at that agency;

“(B) information regarding the demographic characteristics of interns at that agency, including educational background;

“(C) a description of the steps taken by that agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of those jobs, and any barriers encountered;

“(D) a description of activities engaged in by that agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at that agency;

“(F) a description of the mentorship portion of those internship programs; and

“(G) a summary of exit interviews conducted and surveys administered by that agency with respect to interns upon their completion of an internship program at that agency.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for that year.

“(g) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize ap-

propriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, between lines 6 and 7, insert the following:

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

- (1) \$260 for individual enrollment.
- (2) \$520 for family enrollment.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

(1) any increase in the quota of the United States in the Fund for any purpose; and

(2) the use of contributions of the United States to the Fund to provide funding for the European Financial Stability Facility or any program related to the Facility.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 848. DEADLINE FOR RECOMPETITION ON CONTRACTS PURSUANT TO A GOVERNMENT ACCOUNTABILITY OFFICE OPINION TO AMEND OR REISSUE A REQUEST FOR PROPOSALS.

Whenever the Department of Defense undertakes a recompetition for the award of a contract pursuant to an opinion of the Government Accountability Office requiring an amendment or reissuance of a request for proposals in connection with such contract, the Department shall—

(1) commence the recompetition not later than 120 days after the date of the issuance of the opinion; or

(2) if the Department cannot commence the recompetition within the time provided for under paragraph (1), publish in the Federal Register a notice explaining why the Department cannot commence the recompetition within that time and identifying when the recompetition will commence.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 848. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

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

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) **POLICY.**—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

“§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

“(a) **POLICY REQUIRED.**—Not later than February 1, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including the following:

“(1) Suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction.

“(2) Criminal and purposefully unsafe acts.

“(3) Alcohol or substance abuse related acts (including by employees of the Department).

“(4) Any kind of event involving alleged or suspected abuse of a patient.

“(b) **SCOPE.**—The policy required by subsection (a) shall cover each of the following:

“(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

“(A) ‘safety incident’;

“(B) ‘sexual assault’; and

“(C) ‘sexual assault incident’.

“(2) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

“(A) the legal history of the veteran; and

“(B) the medical record of the veteran.

“(3) The mandatory training of employees of the Department on security issues, includ-

ing awareness, preparedness, precautions, and police assistance.

“(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

“(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

“(A) supervisory personnel of the employee at—

“(i) a medical facility of the Department;

“(ii) an office of a Veterans Integrated Service Network; and

“(iii) the central office of the Veterans Health Administration; and

“(B) a law enforcement official of the Department.

“(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with sections 1.201 and 1.204 of title 38, Code of Federal Regulations (or any successor regulations).

“(7) An accountable oversight system within the Veterans Health Administration that includes—

“(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

“(B) a centralized reporting, tracking, and monitoring system for such incidents.

“(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

“(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

“(c) **UPDATES TO POLICY.**—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

“(d) **ANNUAL REPORT.**—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than January 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of the policy during the preceding fiscal year.

“(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

“(A) The number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department.

“(B) A detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year.

“(C) The effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

“(e) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following:

“1709. Comprehensive policy on reporting and tracking of sexual assault incidents and other safety incidents.”.

(c) **INTERIM REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

(d) **REPEAL OF REQUIREMENT FOR ANNUAL REPORTS ON STAFFING FOR NURSES AT DEPARTMENT OF VETERANS AFFAIRS HEALTHCARE FACILITIES.**—Section 7451(e) of title 38, United States Code, is amended by striking paragraphs (4), (5), and (6).

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1230. AVAILABILITY OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.

(a) **PROHIBITION ON USE OF COVERED FUNDS FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no covered funds may be obligated or expended on or after the date of the enactment of this Act to carry out any capital project for the benefit of the host country in Afghanistan or Iraq.

(2) **EXCEPTION.**—The prohibition in paragraph (1) does not apply to a capital project the cost of which does not exceed \$50,000.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.**—There is authorized to be appropriated to the Secretary of Transportation for transportation infrastructure projects in the United States for each fiscal year after fiscal year 2011 an amount that the Secretary of the Treasury, in consultation with the Secretary of Defense, determines to be equivalent to the amount of covered funds that would have been expended to carry out capital projects in Afghanistan and Iraq in that fiscal year but for the prohibition in subsection (a)(1).

(c) **DEFINITIONS.**—In this section:

(1) **CAPITAL PROJECT.**—The term “capital project” has the meaning given the term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (title III of Public Law 102-549; 22 U.S.C. 2421e; 106 Stat. 3660).

(2) **COVERED FUNDS.**—The term “covered funds” means the following:

(A) Amounts authorized to be appropriated for the Afghanistan Infrastructure Fund.

(B) Amounts authorized to be appropriated for the Commanders’ Emergency Response Program.

(C) Any other amounts authorized to be appropriated for the Department of Defense that are made available for a capital project.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize

appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 889. RESTRICTING THE USE OF SOLE SOURCE CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a)(16) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended—

(1) in subparagraph (A), by striking “The” and inserting “Except as provided in subparagraph (C), the”;

(2) by adding at the end the following:

“(C) ALASKA NATIVE CORPORATIONS.—

“(i) DEFINITION.—In this subparagraph, the term ‘appropriate official’ means, with respect to a sole source contract, the official who would be required to approve a justification for the sole source contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the sole source contract under such section 3304.

“(ii) PROHIBITION.—The Administrator may not award a sole source contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation in an amount exceeding \$4,000,000, if the sole source contract is for the procurement of services, or \$6,500,000 if the sole source contract is for the procurement of property, unless—

“(I) the contracting officer for the contract justifies the use of a sole source contract in writing;

“(II) the justification includes a determination that the sole source contract is in the best interest of the procuring agency;

“(III) the justification is approved by the appropriate official of the procuring agency; and

“(IV) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.”.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 889. RESTRICTING CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended by adding at the end the following:

“(22) ALASKA NATIVE CORPORATIONS.—

“(A) DEFINITION.—In this paragraph, the term ‘appropriate official’ means, with respect to a contract, the official who would be required to approve a justification for the contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the contract under such section 3304.

“(B) PROHIBITION.—The Administrator may not award a contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation unless—

“(i)(I) the Program Participant certifies in writing to the Administrator that not less

than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

“(II) the Administrator determines that not less than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)), based on—

“(aa) information submitted to the Administrator by the Program Participant; or

“(bb) certification procedures established by the Administrator by regulation;

“(ii) the contracting officer for the contract justifies the contract in writing;

“(iii) the justification includes a determination that the contract is in the best interest of the procuring agency;

“(iv) the justification is approved by the appropriate official of the procuring agency; and

“(v) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.”.

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that

identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 346. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

“(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

“(A) an analysis of—

“(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems;

“(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse effects to instrument or visual flight operations; and

“(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid, to sufficiently mitigate any adverse impacts described under clauses (i) and (ii);

“(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts; and

“(C) a written recommendation from the Chief of Staff of the Armed Force that has primary responsibility for the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid whether or not to object to the proposed project.”;

(C) in paragraph (4), as redesignated by subparagraph (A), by striking “paragraph (2)” and inserting “paragraph (3)”;

(D) in paragraph (5), as redesignated by such subparagraph, by striking “paragraph (2)” and inserting “paragraph (3)”; and

(2) in subsection (j), by adding at the end the following new paragraph:

“(4) The term ‘unacceptable risk to the national security of the United States’ includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.”.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. REPORT ON MEANS OF REDUCING LATE FEES FOR LEASED SHIPPING CONTAINERS FOR SHIPPING ITEMS FOR THE DEPARTMENT OF DEFENSE FOR OVERSEAS CONTINGENCY OPERATIONS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan setting forth actions to reduce or mitigate the late fees charged the Department of Defense in connection with leased shipping containers used for the delivery of parts, supplies, and other items for the Department for overseas contingency operations.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1049. IMPROVEMENT OF COMBATANT COMMAND THEATER POSTURE PLANNING UNDER THE JOINT STRATEGIC CAPABILITIES PLAN.

(a) IN GENERAL.—The Secretary of Defense shall require the Chairman of the Joint Chiefs of Staff to improve theater posture planning for the combatant commands under the Joint Strategic Capabilities Plan of the Department of Defense in a manner that includes the matters specified in subsection (b).

(b) COVERED MATTERS.—The improvement of the Joint Strategic Capabilities Plan required pursuant to subsection (a) shall provide for the incorporation into the Joint Strategic Capabilities Plan of the following:

(1) A requirement that the theater posture plan for the United States Pacific Command, the United States Africa Command, the United States Southern Command, the United States European Command, and the United States Central Command each take into account the cost of operating and main-

taining existing installations and ensure estimates of such costs in connection with future initiatives that would alter the theater posture.

(2) Guidance on the analysis by the combatant commands referred to in paragraph (1) of the costs and benefits of alternative courses of action when alterations to the theater posture for the applicable command are considered.

(3) A requirement that the commander of each combatant command referred to in paragraph (1) develop a process through which interagency perspectives are obtained throughout the theater posture planning process and the development of the theater posture plan by such combatant command.

(4) A requirement that the commander of each combatant command referred to in paragraph (1) issue guidance to codify the theater posture planning process of such combatant command upon the incorporation into the Joint Strategic Capabilities Plan of the matters specified in paragraphs (1) through (3).

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____ . MODIFICATION OF TOXIC SUBSTANCES CONTROL ACT DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers.”;

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

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in subparagraph (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. DEPARTMENT OF DEFENSE COMPTROLLER REPORT ON MEANS OF PREVENTING AND RECOVERING DELINQUENT DEBTS TO THE DEPARTMENT OF DEFENSE.

Not later than 120 days after the date of the enactment of this Act, the Under Sec-

retary of Defense (Comptroller) shall submit to Congress a plan setting forth actions to prevent, and to and recover, debts to the Department of Defense that are delinquent. The plan shall include actions to prevent debts to the Department from becoming delinquent, and to ensure recovery of debts to the Department that become delinquent.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: “amount of \$200,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$3,212,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$292,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, \$200,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to the Energy Conservation Investment Program, strike “135,000” in the Senate Agreement column and insert “200,000”.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. ENHANCED COMMISSARY STORES DEMONSTRATION AUTHORITY.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—

(1) IN GENERAL.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

“§ 2488a. Enhanced commissary stores

“(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at such military installations as the Secretary of Defense

considers to be appropriate, in order to reduce the net costs of those stores to the Federal Government and to enable their continued operations as an element of the military pay and benefits package.

“(b) **ADDITIONAL CATEGORIES OF MERCHANDISE.**—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

“(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store.

“(c) **SALES PRICE ESTABLISHMENT AND SURCHARGE.**—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

“(d) **RETENTION AND USE OF PORTION OF PROCEEDS.**—(1) The Secretary of Defense may retain amounts equal to the difference between—

“(A) the retail price of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store; and

“(B) the invoice cost of such beverages, products, or merchandise.

“(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.

“(e) **LIMITATION.**—The authority under this section is subject to the limitation set forth in section 2705(b) of the National Defense Authorization Act for Fiscal Year 2012.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

“2488a. Enhanced commissary stores.”

(b) **TEMPORARY LIMITATION ON AUTHORITY.**—

(1) **LIMITED AUTHORITY.**—Until 180 days after submitting the report required under paragraph (2), the Secretary of Defense may exercise the authority provided under section 2488a of title 10, United States Code, as added by subsection (a), only at military installations within 20 miles of which fewer than 500 active duty personnel are stationed.

(2) **REPORT ON CRITERIA FOR OPERATION OF ENHANCED COMMISSARY STORES.**—Not later than 30 days after reissuance of Department of Defense Instruction 1330.17 as in effect on the date of the enactment of this Act, or the issuance of any instruction on Armed Services Commissary Operations, the Secretary of Defense shall submit a report to the congressional defense committees specifying and justifying the criteria to be used for determining locations at which enhanced commissaries may be operated.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

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

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

SEC. 1024. MODIFICATION OF FREQUENCY AND ELEMENTS OF THE LONG-RANGE PLAN FOR THE CONSTRUCTION OF NAVAL VESSELS.

(a) **REQUIREMENT FOR BIENNIAL SUBMITTAL.**—Subsection (a) of section 231 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “QUADRENNIAL” and inserting “BIENNIAL”;

(2) by striking “during each year in which the Secretary of Defense submits a quadrennial defense review” and inserting “in an even-numbered year”; and

(3) by striking “the quadrennial defense review” and inserting “the most recent quadrennial defense review”.

(b) **ELEMENTS.**—Such section is further amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(6) The retirement of naval vessels anticipated during the fiscal year for which the plan is submitted, and during the 10-fiscal year period beginning with the fiscal year for which the plan is submitted, set forth by class of naval vessel.”; and

(2) in subsection (g), by adding at the end the following new paragraph:

“(4) The term ‘construction schedule’, for a given period, includes the force levels anticipated during that period, and the procurement rates for vessels anticipated to meet such force levels, for each separate type of vessel, including amphibious ships, combat logistics force (CLF) ships, and support ships.”.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1088. UNITED STATES COMMITMENTS TO SAFETY, RELIABILITY, AND PERFORMANCE OF UNITED STATES NUCLEAR FORCES AND MODERNIZATION AND REPLACEMENT OF STRATEGIC NUCLEAR DELIVERY VEHICLES.

(a) **SAFETY, RELIABILITY, AND PERFORMANCE OF NUCLEAR FORCES.**—

(1) **STATEMENT OF POLICY.**—The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces.

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

(A) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the levels set forth in the New START Treaty, and will meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(B) to that end, the United States is committed to maintaining United States nuclear

weapons laboratories and preserving the core nuclear weapons competencies therein; and

(C) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President’s 10-year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549).

(b) **SENSE OF CONGRESS ON MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.**—In accordance with paragraph 1 of Article V of the New START Treaty, which states, “Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,” is the sense of Congress that—

(1) United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles; and

(2) to this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

(c) **NEW START TREATY DEFINED.**—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol (Treaty Document 111-5).

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 316. REPORT ON DEPART OF DEFENSE ENERGY EFFICIENCY STANDARDS.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the energy efficiency standards utilized by the Department of Defense for military construction.

(2) **CONTENTS OF REPORT.**—The report shall include the following elements:

(A) A detailed cost benefit and return on investment analysis for energy efficiency improvements and sustainable design attributes achieved through Department of Defense adoption of, or expenditure of funds on pursuing certification under, the following green building rating standards:

(i) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 189.1 versus 90.1.

(ii) Green Globes, with results itemized separately for one, two, three, and four globe certification.

(iii) Leadership in Energy and Environmental Design (LEED), with results itemized separately for certified, silver, gold, and platinum certification.

(iv) International Code Council (ICC) 700 National Green Building Standard, with results itemized separately for bronze, silver, gold, and emerald.

(B) An analysis of the extent to which any of the ratings or standards described in subparagraph (A) create a competitive disadvantage for United States-produced products.

(C) An analysis of how the standards described in subparagraph (A) meet the following criteria:

(i) The rating standards are developed in accordance with rules accredited by the American National Standards Institute (ANSI) and are approved as American National Standards.

(ii) The rating standards incorporate and document the use of Life Cycle Assessment in the evaluation of building materials.

(D) A copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that includes specific energy-efficiency standards and sustainable design attributes for military construction based on the cost benefit analyses and demonstrated payback reported under subparagraphs (A), (B), and (C).

(b) REQUIREMENT TO USE CERTAIN GREEN BUILDING RATING STANDARDS.—The Department of Defense shall only use green building rating standards that—

(1) are—

(A) developed in accordance with rules accredited by the American National Standards Institute (ANSI); and

(B) approved as American National Standards; or

(2) incorporate and document the use of Life-Cycle Assessment in the evaluation of building materials.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 12 and all that follows through page 80, line 18, and insert the following:

(1) in subsection (b)—

(A) by striking “includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support” and inserting “includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, or processes in direct support”; and

(B) by adding at the end the following: “It does not include funds spent for any other repair or activity to maintain or sustain existing facilities, infrastructure, or equipment.”; and

(2) in subsection (e)(1), by adding at the end the following new subparagraphs:

“(I) Crane Ammunition Activity, Indiana.

“(J) McAlester Ammunition Plant, Oklahoma.

“(K) Radford Ammunition Plant, Virginia.

“(L) Lake City Ammunition Plant, Missouri.

“(M) Holsten Ammunition Plant, Tennessee.

“(N) Scranton Ammunition Plant, Pennsylvania.

“(O) Iowa Ammunition Plant, Iowa.

“(P) Milan Ammunition Plant, Tennessee.

“(Q) Joint System Manufacturing Center, Lima Ohio.”.

SEC. 322. LIMITATION ON REVISING THE DEFINITION OF DEPOT-LEVEL MAINTENANCE.

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military de-

partments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting “and organically-managed and operated military industrial facility” after “shall designate each depot-level activity”.

SEC. 324. REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center’s Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

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

(1) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(2) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2011.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(2) The total dollar amount by account of all unobligated balances specifying those accounts carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(3) The total dollar amount by account of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2011 by account.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr.

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

Strike section 324 and insert the following:
SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center’s Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

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

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON ALTERNATIVES FOR ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS WHO RESIDE AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement

with a federally funded research and development center to submit to the congressional defense committees, not later than 90 days after the date of the enactment of this Act, a report on alternatives for alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers who reside at Air Logistics Centers or Air Logistics Complexes.

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

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter over the long term.

(C) An examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness as the highest priority.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

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

SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for carrying out the policies stated in Section (a) with regards to regional advanced technology clusters.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters including the number of clusters supported, technologies developed and transitioned to acquisition programs, products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters;

(4) any additional required authorities, any impediments in supporting regional advanced technology clusters; and

(5) the use of any Inter-Governmental Personnel Act agreements and any access granted to Department of Defense facilities for research and development purposes.

(c) DEFINITIONS.—In this section:

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

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) REGIONAL ADVANCED TECHNOLOGY CLUSTERS.—The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 8 and all that follows through page 6, line 10, and insert the following:

(b) PREVENTION OF THE IMPORTATION OF COUNTERFEIT PRODUCTS AND INFRINGING DEVICES.—Notwithstanding section 1905 of title 18, United States Code—

(1) if United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Homeland Security is authorized to share information on, and unredacted samples of, products and their packaging and labels, or photos of such products, packaging and labels, with the rightholders of the trademark suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section; and

(2) upon seizure of material by United States Customs and Border Protection imported in violation of subsection (a)(2) or subsection (b) of section 1201 of title 17, United States Code, the Secretary of Homeland Security is authorized to share information about, and provide samples to affected parties, subject to any applicable bonding requirements, as to the seizure of material designed to circumvent technological measures or protection afforded by a technological measure that controls access to or protects the owner's work protected by copyright under such title.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1243. SENSE OF SENATE ON CONSIDERATION BY THE NORTH ATLANTIC TREATY ORGANIZATION OF THE MEMBERSHIP ACTION PLAN OF THE REPUBLIC OF GEORGIA.

It is the sense of the Senate that the President should lead a diplomatic effort to gain the approval of the Membership Action Plan of the Government of the Republic of Georgia in its application for membership in the North Atlantic Treaty Organization (NATO) at the May 2012 summit of the North Atlantic Treaty Organization in Chicago, Illinois.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 29, 2011, at 2:15 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Debbie Shaw, a fellow in Senator COBURN's office, be granted floor privileges during the consideration of S. 1867.

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

Mr. NELSON of Florida. Mr. President, I would ask consent that the Defense fellow in my office, MAJ John Flynn, be granted floor privileges for the duration of S. 1867, the Defense authorization bill.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator BAUCUS, Air Force MAJ Jason Wright, be granted floor privileges for the duration of the debate on this bill, S. 1867.

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

WREATHS ACROSS AMERICA DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 337, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) designating December 10, 2011, as “Wreaths Across America Day.”