

also calls on the Defense Department and the VA to address access to the records not only for victims but also to the VA, law enforcement, and other entities that may need to access them. The bill also seeks to make the policy uniform across all service branches so members of the Air Force, the Army, the Navy, and the Marines are given fair treatment.

Why would you have records destroyed of sexual assault in one branch after a year and another branch after 5 years and another after 10 years? It is my position they should not be destroyed at all. The one provision which was not included in the Defense Authorization Act, which I believe is vitally important, was the requirement that records be stored throughout the life of the victim. Storing records for a person's lifetime is, in my mind, common sense. All other critical records, such as our health records, insurance records, banking records are stored throughout our lives. So I believe the case should be the same here. Unfortunately, the Defense Authorization Act does not require lifelong storage. Instead it put this question entirely in the hands of the Defense Department, requiring only that the records be stored for 5 years and otherwise allowing the agency to determine its own timing.

Five years is not enough. Yes, it is five times the length of time the records are currently stored, and in that respect it is a good step. But it is not enough, not in a modern day where we store records and we have ways of storing records in a way—and certainly the Defense Department knows how to store these records—that is private.

That is why I have filed an amendment that would ensure that almost all sexual assault records are stored for an estimated 50 years. This solution is one that I have discussed personally with Senator LEVIN. It is also something my office has worked on closely with the Department of Defense. Although 50 years is not necessarily the life of the victim, it gets us a long way and is certainly better than what we have now.

I thank Chairman LEVIN for his willingness to work with me on this important issue and for his efforts to include this amendment in the overall bill. I also thank the Republicans, the other side of the aisle, for working with us and the fact that this was a bipartisan amendment from the beginning. Again, the sponsorship on the underlying bill included the sponsorship of all women Senators in the Senate.

I urge my colleagues to support this amendment as well as the strong provisions in this bill that address sexual assault protections for military members. The problems with sexual trauma within the military are broad. But the provisions included in the bill, including my amendment, are important advancements. I intend to monitor the Defense Department's implementation of these provisions. Although I was not able to secure the full lifelong record

preservation, I am going to keep fighting this fight. But 50 years for most of the records is a pretty good result given what we have in place right now.

This year, the Department of Defense has finally placed a military officer in charge of its Sexual Assault Protection and Responsive Office, GEN Mary Kay Hertog. I believe she has not only a good grasp on the importance of preserving records but also the rank and weight necessary to forge real change in the Department's policy.

I intend to continue my communication with General Hertog, and I look forward to finding a policy that ensures that victims have lifelong access to their personal records. When our men and women signed up to serve there was not a line, and there should not be a line when they get back—not for jobs, not for education, and not to receive the medical benefits or health protection they have earned.

I see my colleagues, the leaders on this bill, Senator LEVIN and Senator MCCAIN, are here. I again thank them for working with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota for her strong efforts on behalf of the men and women in the military and their welfare and benefits. She is an advocate and a person who is committed to making sure that not only those who are now serving but those who have are cared for by our society and by our military and our veterans facilities.

So I thank the Senator. I appreciate the very eloquent statement she just made.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 2012—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1867.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Minnesota is here, let me add my voice of thanks and appreciation for what she continually is fighting for in the area of sexual assault. Her amendment makes great sense. We have cleared it on our side. We hope it gets cleared so that we can get this into a package—and we hope we can get a package that is adopted.

But I want to just commend the Senator for her intrepid effort that is awe inspiring on behalf of people who need all of the fight and all of the protection that we can give them, those are people who have been assaulted sexually. I commend the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1246, AS MODIFIED

Mr. MCCAIN. I send an amendment to the desk, as modified, No. 1246, and ask for its consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. MCCAIN. Mr. President, the amendment is to require the Secretary of Defense to consult with the Armed Services Committee in commissioning an independent assessment of U.S. security interests in East Asia and in the Pacific region. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. Before the amendment is adopted, I just wanted to indicate our support of the amendment. It is in a very significant area which has to do with our force structure in the Pacific. Senator MCCAIN has been very active wanting to look at that because we have to look at it in depth. He has agreed that this study, which will be done in consultation with people who have knowledge, can be done independently and in a prompt way with an independent study.

I think he has reached that conclusion. I think he is right. I believe Senator WEBB, if he were here, would want to indicate his strong support because the three of us have worked together for this kind of an effort.

With that, I would indicate my strong support.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1246), as modified, was agreed to, as follows:

On page 439, line 18, insert “, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

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

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I would ask my friend, the chairman, if perhaps we could give our colleagues a brief update on where we are. There are not that many amendments remaining. There are a couple of rather serious amendments concerning detainees that are still outstanding. But overall I think we can tell our colleagues that we are pretty well moving along.

We still have a pending package of amendments that have been agreed to by both sides that, unfortunately, we are unable to move forward. But, hopefully, we will be able to do that.

Mr. LEVIN. Mr. President, we indeed have been making progress, No. 1. We made significant progress today both on the pending amendments that needed to be addressed by the full Senate, as well as a major package of amendments which has been cleared on both sides.

There is another package of amendments to which there has been no—they have been cleared, which means they are available to everybody, and

there is no objection by anybody to the substance of those amendments. If there is any objection, then they are not going to be cleared. They would then have to be brought up to the whole body.

Tomorrow we have a number of significant amendments to address, including the Feinstein amendments, the Menendez-Kirk amendment on Iran sanctions, just being a few of them. But there are a number of other ones as well. In a moment, what I am going to be asking for is unanimous consent that when we come in tomorrow the first amendment pending be my amendment, No. 1293, on high-speed ferries, which apparently will require a rollcall vote.

So I just want to alert everybody that while we are preparing a unanimous consent agreement laying out what the order will be for tomorrow, what we will start with, that is our intention. I have talked already, of course, to Senator McCain about that. He is agreeable that we start with that amendment, No. 1293.

Mr. McCain. Mr. President, we think we can get wrapped up tomorrow. But there are serious amendments remaining. The Menendez-Kirk amendment is a very serious amendment and one that probably is going to deserve some debate time as well as the Feinstein amendment. The Sessions amendment also is one as well. So I think our colleagues should be prepared for a pretty interesting day tomorrow.

AMENDMENT NO. 1185, AS MODIFIED

Mr. Sessions. Mr. President, I ask unanimous consent that my amendment No. 1185 be modified with the changes at the desk.

The PRESIDING OFFICER (Mr. Begich). Without objection, it is so ordered.

Mr. Sessions. This amendment would simply require the Department of Defense to include the discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States in its Homeland Defense Hedging Strategy Review.

I hope my amendment can be accepted by voice vote. I thank Senator Levin and Senator McCain for working with me to get language I believe all can agree to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. Levin. Mr. President, the Sessions amendment, as modified, has been reviewed. I know it has cleared on this side. I am confident it has been cleared by both sides of the aisle.

The amendment would require the Department of Defense to report to Congress on the findings and conclusions of the Department's Homeland Missile Defense Hedging Strategy Review, including a discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States.

The administration officials have committed to providing Congress with

the results of its Hedging Strategy Review. This amendment would make it clear that the Department is required to do exactly that, and I just want to thank the Senator for his amendment, for modifying it, and I hope now we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1185), as modified, was agreed to, as follows:

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

SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

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

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

Mr. McCain. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Levin. Now I believe we have one other, Senator Inhofe's amendment, which now I think is agreeable on both sides.

AMENDMENT NO. 1098, AS MODIFIED

Mr. Inhofe. Mr. President, I have amendment No. 1098, as modified. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1098), as modified, is as follows:

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

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

(a) IN GENERAL.—Not later than October 1, 2012, the Department of Defense 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) ELEMENT.—The report required by subsection (a) shall include 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.

(c) 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 penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense 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.

The PRESIDING OFFICER. Is there further debate?

Mr. Levin. Mr. President, I thank Senator Inhofe for the modification of his amendment. It is agreeable on our side.

Mr. Inhofe. Mr. President, I appreciate that. First of all, I don't recall seeing the majority and minority working so closely together and in the right way for a while. Several of my amendments have been accepted. I think they agreed to this one. It directs DOD to have a report on the effect of boycotts against our domestic contractors. It is modified, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1098), as modified, was agreed to.

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

Mr. McCain. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Levin. Mr. President, I believe Senator Inhofe may wish to be recognized to talk about another amendment or a couple amendments that he has. We will not take any further action on those amendments now.

I think we are perhaps, hopefully, ready soon to offer a unanimous consent on what I described a moment ago—how we will begin in the morning. We will wait for that to be prepared.

I yield the floor.

Mr. Inhofe. Mr. President, I have two amendments that I believe are very significant. However, I don't believe they will clear, and that is the reason I will not be bringing them up. But it is important we do address the problems. The Military Leasing Act prohibits military installations from receiving any revenues from mineral exploration of these lands. Exploration has taken place in Oklahoma and other places, where we have, with the new horizontal drilling, been able to get at some of these reserves. The problem is that this incurs an expense by the military operations. The one I am talking about right now happens to be the depot in McCallister, OK. Under the Mineral Leasing Act that governs oil and gas leasing on Federal lands, it gives the responsibility to the Bureau of Land Management.

The problem is, we want to explore it and accommodate others who are going after these tremendous reserves and not just in Oklahoma but elsewhere. But there is not a mechanism by which they can be paid for expenses incurred by the local installation. We are going to be working on this and coming up with some kind of a solution. I will not be offering this as an amendment.

The second one I will not be offering is one that is very significant, which is treating what we refer to as the sub-S, or subpart-S carriers, nonscheduled carriers, that are currently taking materiel and personnel into areas such as Afghanistan. We have crew rest responsibilities, saying they cannot be—a

crew cannot be working for more than 15 hours. The problem is this: 95 percent of the military personnel going into Afghanistan and some of these other areas go in by subpart-S operators. They are exempt from the crew rest. Right now, there is legislation that is pending that would make them fall under the crew rest requirements.

Military can take them in, but military doesn't have the capacity. That is why 40 percent of all materiel and 95 percent of personnel are being brought into these zones. As an example, if they are going from the logical place, which would be in Germany to go into Afghanistan, they would carry it in, but they would not be able to offload whatever cargo or personnel and then get back and go to Stuttgart or whatever location it is in Germany because that would exceed crew rest.

On the other hand, they are precluded from having civilian aircraft staying in places such as Afghanistan. So there is no solution to it. We want to address this. We are going to try to do it. We feel this will not clear as it is now. So I will not be offering it tonight, but it is one I think is very significant.

With that, I yield the floor.

AMENDMENTS NOS. 1094, 1095, 1096, AND 1101
WITHDRAWN

Mr. LEVIN. Mr. President, I wonder if while the Senator from Oklahoma is here—we are trying to get a current list of amendments. Is it his intent to withdraw amendment No. 1101 on C-12 aircraft?

Mr. INHOFE. I don't have that one with me. I would rather wait until I get the amendment. There is one other I will want to have passed—several amendments are on Guantanamo Bay detention. This is on long-term, high-value detainees. It is my intention to offer that tomorrow.

I have currently four amendments that I will withdraw at this time so we can unclog some of this.

I ask unanimous consent to withdraw amendments Nos. 1094, 1095, 1096 and 1101.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Oklahoma for helping us to get our list of amendments whittled down to where we can hopefully have a manageable group for tomorrow. We are going to have a very busy day tomorrow. We have a lot of amendments to address and dispose of. It is doable because we have had the cooperation of Senators. It is our goal—we must finish this by 6 o'clock.

Everybody has a right to a vote if their amendment is germane. We hope we will have a chance to debate all these amendments as well as vote on them. I believe we will be coming in at 9:30. That is the current plan, and we will be back on the bill at 11. We have to start off immediately. I hope we will

vote on my amendment within a few minutes after it is offered. There will be some debate in opposition to my amendment, I understand.

Hopefully, the Senators who oppose it will be notified tonight that my amendment is first up and we are going to be prepared to debate this at 11 o'clock.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1867, the Defense authorization bill, tomorrow, December 1, 2011, the pending amendment be the Levin amendment No. 1293, relative to high-speed ferries.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I thank the chairman for the progress we have made and also again point out that we have some very serious issues that deserve debate and discussion. But when cloture expires—the 30 hours—there will be an automatic vote triggered at that time. We look forward to working with our colleagues to make sure they have sufficient time to debate the amendments.

It would be regrettable, as important as some of these amendments are, that we back up to the expiration of the cloture time and that would trigger an automatic vote. I am sure we will get the cooperation of all our colleagues.

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF SYLVIA GILLESPIE

Mr. DURBIN. Mr. President, I want to take a few moments to thank a remarkable woman on my staff. Sylvia Gillespie, in my Springfield office, is retiring after 12 years. When you walk into that office in Springfield, Sylvia is the first person you see, and her smile has made thousands of people feel welcome. Her heart is as warm as her smile.

Sylvia is from the South Side of Chicago. She likes to say, "The same as Michelle Obama." She went to Austin O. Sexton Elementary School on South Langley Avenue and grew up on the

same streets where that infamous street gang, the Blackstone Rangers, made a lot of trouble. But she survived that experience and went on to make a life in the service of others.

When she looks back at her life, Sylvia gets a little choked up and she says, how did I go from being that little girl from the ghetto to working for a Senator. Well, the answer is very simple. Sylvia Gillespie cares about other people. She has helped countless people during the 12 years she has worked in my office. From helping people get their passports so they wouldn't miss a family wedding in some foreign country to speaking on behalf of constituents who ran into trouble with Federal agencies such as the Internal Revenue Service, Sylvia has been such a positive force in the lives of so many people.

The work she is most proud of, and the one thing she will talk to you about, is what she has been working on for the last 2 years—helping families in Illinois stay in their homes. Sylvia has helped dozens of families stay in their homes during the mortgage crisis when they thought they had lost everything through foreclosure. She would sit on conference calls with banks for hours at a time, refusing to take no for an answer. You don't want to cross Sylvia Gillespie when she is fighting for someone she believes in.

Ask her why and she explains:

I just felt like we just couldn't lose one more home. If I can prevent a family from losing their home by being on the phone with the bank for 3 hours, I would do it.

And she would do it. Sometimes she would persevere long after the homeowners had given up. In one particular case, a hardworking mom with two kids had done everything right.

She played by the bank's rules, but she was still only days away from watching the home she loved be auctioned off, and she was ready to give up. But Sylvia wasn't. Sylvia asked:

Have you ever seen a mustard seed? That's all you need: Faith the size of a mustard seed to get through this.

That was Sylvia. And after a long and grueling process, guess what. Sylvia prevailed. The woman received her loan modification. With Sylvia's help, that mother and her children will be spending this holiday season right where they want to be—in their own home.

That mom is just one of the many Illinoisans who are going to join me in being sad when Sylvia decides to retire.

When Sylvia is not working hard in my office, she spends a lot of time at the Abundant Faith Christian Church. She loves that church. She has invited me there on Sundays, and she really gets into it. She is a woman of faith, and she is a great singer. She throws herself, heart and soul, into their services. Every Sunday morning she and a few others cook up a breakfast for the community people who live near the