

(3) For each educational institution listed under paragraph (1), the total amount of assistance paid under laws administered by the Secretary to individuals enrolled in programs of education at the educational institution for pursuit of such programs and paid to the educational institution for the education of individuals.

**SEC. 12. PERFORMANCE METRICS FOR DEPARTMENT OF DEFENSE EDUCATION AND WORKFORCE TRAINING PROGRAMS.**

(a) **ESTABLISHMENT OF METRICS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) **REPORT ON METRICS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics established under subsection (a), including a description of each such metric.

(c) **ANNUAL ASSESSMENT.**—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs described in subsection (a) using the metrics established under such subsection.

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

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

**SEC. 13. PRIVACY.**

Nothing in this title or any of the amendments made by this title shall be construed to authorize the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Education, or the Secretary of Labor to release to the public information about an individual that is otherwise prohibited by a provision of law.

**SEC. 14. DEFINITIONS.**

In this Act:

(1) **EDUCATIONAL INSTITUTION AND PROGRAM OF EDUCATION.**—The terms “educational institution” and “program of education” have the meanings given such terms in section 3501 of title 38, United States Code.

(2) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of such title.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 407—EXPRESSING THE SENSE OF THE SENATE THAT EXECUTIVES OF THE BANKRUPT FIRM MF GLOBAL SHOULD NOT BE REWARDED WITH BONUSES WHILE CUSTOMER MONEY IS STILL MISSING**

Ms. STABENOW (for herself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bank-

ruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as \$900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as \$1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and

Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1953.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

**TITLE III—MISCELLANEOUS****SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term “petroleum product” means any of the following:

(A) Finished reformulated or conventional motor gasoline.

(B) Finished aviation gasoline.

(C) Kerosene-type jet fuel.

(D) Kerosene.

(E) Distillate fuel oil.

(F) Residual fuel oil.

(G) Lubricants.

(H) Waxes.

(I) Petroleum coke.

(J) Asphalt and road oil.

(2) PUBLIC LAND.—The term “public land” means any land and interest in land owned by the United States within the several States and administered by the Secretary concerned, without regard to how the United States acquired ownership.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) BAN.—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

**SA 1954.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

**TITLE III—DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES****SEC. 301. SHORT TITLE.**

This title may be cited as the “Use It or Lose It Act of 2012”.

**SEC. 302. DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES.**

(a) CLARIFICATION OF EXISTING LAW.—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) COVERED PROVISIONS.—Subsection (a) shall apply to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(2) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

**SEC. 303. NONPRODUCING LEASE FEE.**

(a) ONSHORE OIL AND GAS LEASES.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

“(q) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this subsection, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of \$4 per acre on the acres covered by the lease if production is not occurring.”.

(b) OUTER CONTINENTAL SHELF OIL AND GAS LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(d)) is amended—

(1) by striking “(d) No bid” and inserting the following:

“(d) DUE DILIGENCE.—

“(1) IN GENERAL.—No bid”; and

(2) by adding at the end the following:

“(2) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of \$4 per acre on the acres covered by the lease if production is not occurring.”.

**SEC. 304. REGULATIONS.**

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the differences in development conditions and circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

**SA 1955.** Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.**

(a) SHORT TITLE.—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2012” or “NOPEC”.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**“SEC. 7A. OIL PRODUCING CARTELS.**

“(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws.

“(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.”.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

**SA 1956.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE IV—WESTERN ENERGY DEVELOPMENT****SEC. 401. SHORT TITLE.**

This title may be cited as the “American Energy and Western Jobs Act”.

**SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.**

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled “Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews”, numbered 2010-117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled “Energy Policy Act Section 390 Categorical Exclusion Policy Revision”, numbered 2010-118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

**SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.**

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking “Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year” and inserting “The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued”.