

This amendment fills a crucial gap because it would serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service connected or not.

With this amendment, eligible veterans would have the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures—all so these homes are more suitable and safer for our veterans.

I hope we can work together to consider these amendments, and other amendments that have been proposed by my colleagues.

As for the underlying bill, I wish to point out a few more of its highlights.

The bill authorizes a 1.7-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special payments for our men and women in uniform.

It authorizes the Secretary of Defense to carry out a research program with community partners to enhance DOD efforts in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in Guard and Reserve members, their families, and their caregivers—a provision which I worked on with Senator AYOTTE to have included in this bill. We have an incredible problem with respect to returning veterans, active-duty personnel, and their families in addressing their mental health challenges, and unless we fully engage all the resources across this country, we will not be able to successfully meet the needs of these young men and women. We hope this amendment will help in that regard.

The legislation also extends authorities to continue several “train and equip” programs to assist foreign militaries in counterterrorism and counter-narcotics missions. This is one of the emerging and critical roles that in the future we must embrace and support.

Additionally, the legislation authorizes \$5.7 billion for the Afghanistan Security Forces Fund to build the capacity of the Afghan Army and police so those forces can continue to take the security lead throughout Afghanistan. Once again, this is a central foundation to our plans to withdraw the vast majority of our forces by 2014.

This year once again I had the honor of serving as the chairman of the Seapower Subcommittee, alongside Senator WICKER, my colleague from Mississippi, the ranking member. Working together, our subcommittee focused on the needs of the Navy, the Marine Corps, and strategic mobility forces. We put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

Specifically, the bill includes the required funding for two Virginia-class submarines, provides multiyear procurement authority to the Navy to

purchase the next block of submarines, authorizes the Navy to use incremental funding to buy an additional Virginia-class submarine in fiscal year 2014, and provides an additional \$777.7 million in advance procurement for that second boat in 2014.

The bill also approves the funding for other major programs, including the DDG-1000, the Aircraft Carrier Replacement Program, the DDG-51 Aegis destroyer program, the Littoral Combat Ship, the Joint High Speed Vessel, and the P-8 maritime patrol aircraft.

I am particularly pleased about the funding for the Virginia-class submarines and the DDG-1000, which so many Rhode Islanders help to build.

We also included language that would permit the Navy to use multiyear procurement authority to buy the V-22 Osprey aircraft and the Arleigh Burke-class destroyers so we can procure these platforms as efficiently as possible.

I want to offer my particular thanks to Senator WICKER, the other members of the Seapower Subcommittee, and our staffs who have done an extraordinary job through their diligence, their dedication, and their profound commitment to the men and women, particularly, of the Navy and the Marine Corps.

We have a good bill before the Senate. I urge adoption of the amendments I have discussed, and I would urge very quickly and very timely the passage of the legislation so we can once again send the Defense authorization bill to the President for his signature.

With that, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWN of Ohio). Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 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.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before Senator REED leaves the floor, I want

to first thank him for his comments about myself and Senator MCCAIN and the other members of our committee. Senator REED of Rhode Island has and will continue to make—and, hopefully, for many decades to come—an extraordinary contribution to the work of this body. I have seen it firsthand on the Armed Services Committee where he is the chairman of the SeaPower Subcommittee, but way beyond that. He brings an experience and a thoughtful commitment to this work which is second to none, and it is incredibly valuable to every member of our committee to have him as a member of the committee. I cannot express how grateful I am for that, and I cannot exaggerate how grateful I am for his presence and for his work.

Mr. REED. If I may simply say that I thank the chairman.

Mr. LEVIN. Mr. President, in a few minutes I hope to be able to lay out a roadmap for our work here—at least for the next couple hours. We hope to be able to deal with a modified Kyl amendment as well as dispose of, we hope, an Ayotte amendment and a Hagan amendment. There will be debate with each of those, and this is just tentative because I want to discuss this, obviously, with Senator MCCAIN. But if this works out, there could be a couple votes in an hour or so. But, again, I am not announcing that; I am just sort of giving as early a warning as I can to our colleagues as to what is at least a likely prospect at this time. But, again, that is going to have to await the presence of Senator MCCAIN, with whom I am working so closely on this matter.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2888, 2924, 2949, 2960, 2963, 2969, 2991, 3083

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up and agreed to en bloc, the motion to reconsider be considered made and laid upon the table with no intervening action or debate: Kohl No. 2888, Manchin No. 2924, Webb No. 2949, Wyden No. 2960, Sessions No. 2963, Heller No. 2969, Hoeven No. 2991, and Barrasso No. 3083.

Mr. MCCAIN. All these amendments have been cleared on our side.

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

The amendments were agreed to, as follows:

## AMENDMENT NO. 2888

(Purpose: To provide for the payment of a benefit for the nonparticipation of eligible members in the Post-Deployment/Mobilization Respite Absence program due to Government error)

At the end of subtitle A of title VI, insert the following:

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

## AMENDMENT NO. 2924

(Purpose: To require an additional element in the report on the accuracy of the Defense Enrollment Eligibility Reporting System)

On page 175, line 10, insert after “in order” the following “to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and”.

## AMENDMENT NO. 2949

(Purpose: To extend the temporary increase in accumulated leave carryover for members of the Armed Forces)

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

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

## AMENDMENT NO. 2960

(Purpose: To require a report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty)

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

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

## AMENDMENT NO. 2963

(Purpose: To authorize the posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army)

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

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

## AMENDMENT NO. 2969

(Purpose: To require a report on the future availability of TRICARE Prime throughout the United States)

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

**SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

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

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

#### AMENDMENT NO. 2991

(Purpose: To express the sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems)

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

#### SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

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

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

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

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

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

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

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

#### AMENDMENT NO. 3083

(Purpose: To authorize the Secretary of Defense to maintain the readiness and flexibility of the intercontinental ballistic missile force)

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

#### SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I wish to talk this morning about an amendment I had intended to offer but I am not going to be offering today because there is an important portion in the House Armed Services Committee that covers my concerns. That was the amendment I had drafted that is co-sponsored by Senators LIEBERMAN and COLLINS. I appreciate their support.

My amendment would establish an east coast ballistic missile defense site to make sure the east coast of our country is protected from missile threats. Let me describe why I thought it was very important. My amendment would have established both a study on three potential locations for an east coast missile defense site, an environmental impact study, and a plan for deployment of that site.

Where we are right now, unfortunately, is we have Iran, and no one disagrees that Iran has an active ballistic development program. They can already reach Eastern Europe. Many analysts believe Iran will be able to develop the capacity to strike the mainland United States with an ICBM by 2015. Our existing missile defense sites right now that protect this country have the capacity—if, for example, North Korea were to launch an ICBM toward the west coast, we would have an opportunity for two shots at that missile to protect our country.

In other words, if the President of the United States got an awful call that a missile was coming from North Korea toward the western coast of our country, he would have an opportunity to have one shot, a look, and then a shot to take that missile down to protect our country; two shots to take the missile down.

But as it stands right now, when it comes to the east coast of our country, including the Capital, Washington, DC, the center of our government where we stand right now, my home State of New Hampshire, New York, all those population centers, if Iran were to develop the capacity to have an ICBM, where we are today is we would only get one shot at that missile if it were to be shot at the eastern coast of the United States instead of a shoot, look, shoot that we have if North Korea were to shoot a missile toward the western part of our country.

I think this is deeply troubling. We should be developing that capacity to make sure our country is fully protected.

I would like to address others who have looked at this. This year the National Research Council recommended an additional ballistic missile site in the United States in the Northeast to more effectively protect the Eastern United States and Canada, particularly against Iranian ICBM threats should they emerge. That is, of course, because some analysts believe they could develop that capacity as soon as 2015.

The markup coming out of the House Armed Services Committee already

contains language and authorization for the actual establishment of an east coast missile site. That is one of the reasons I will not be offering my amendment today to conduct this study on environmental impact and also planned deployment because the House version already contains a requirement that an east coast missile defense site be developed.

Some would say—in fact, one thing I would like to address is that we may hear from the administration that they are working on a hedging—and a different hedging strategy—to make sure the east coast is protected. And that hedging strategy would be plans to deploy the SM-3 Block IIB missile in Poland. But where we are today with the SM-3 Block IIB shows why it is important for us to use technology that already exists to protect the east coast; that is, because the SM-3 Block IIB is only a plan on a piece of paper. It doesn't exist yet, and there have been concerns relayed about its development and, in fact, the development of the SM-3 Block IIB has already been delayed to 2021, which does not meet where we are with the potential that Iran could develop ICBM capacity by 2015. It just would not work.

But what we do know is that we already have technology that exists, and if we were to deploy a missile defense site now on the east coast, that we would get the opportunity to have a look, shoot, look on the east coast were Iran to launch a missile toward the east coast of our country.

We only need to look at what happened recently in the conflict with Hamas, the missiles that were being shot into Israel and the Iron Dome system to understand the importance of missile defense. Now, that is a system that focuses on short-range missiles, but we all saw the number of civilians that could be protected by the capacity of having a robust missile defense system, and I can't imagine why we wouldn't want to be in the position to make sure the east coast of our country would be as protected as the west coast when it comes to an emerging threat from Iran.

There is no question that the more we hear about the behavior of Iran, the more troubled we should be as a country. Not only do they have a robust missile development program, but we all know they are also making efforts to acquire the capability of having a nuclear weapon.

Now is the time for us to act, not to find ourselves in 2015 with no plans as to how to deploy an east coast missile defense site to make sure the east coast of our country has the same protection as the west coast. Now is the time to act because, in addition, in 2012 in the defense authorization, we asked the administration to submit a plan to us as to how they would hedge, a hedging strategy to make sure the east coast was as protected as the west coast.

They have yet to submit that plan, and so now is the time for us to make

sure we go forward with technology that already exists to ensure that the east coast of our country is protected.

I cannot imagine the President of the United States being in a position as we go forward in our country where, if a missile were coming from Iran toward our Capital, he would be told we only have one shot to take that missile down versus if a missile were coming to the west coast of our country in L.A. from North Korea, that we would have two shots to take that missile down.

We want to make sure our country is protected. The threat from Iran is a very real threat. That is why I was going to offer this amendment, to make sure we had a study, an environmental impact analysis and a plan that the Department of Defense could use to deploy an east coast missile defense site.

But my colleagues in the House, including Representative TURNER, have already addressed this issue directly with the requirement contained in the House mark of the Armed Services Committee. I think it is very important what they have done.

I thank the Chair very much for giving me the opportunity to speak today.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. First, I would like to speak to the Senator's amendment. I want to compliment her, commend her and her other cosponsors—Senator LIEBERMAN, Senator COLLINS, and others—in their effort to bring attention to what is clearly a great need that is going unmet. I agree the House's action is very important to begin to move this process forward.

The Senator's amendment is even less specific than the action taken by the House. We are going to need a study of the environmental impacts and evaluate possible locations. It is going to have to be done. It seems to me to make sense that this amendment would begin that process, and so I support that very strongly.

I would also like to speak to some of the military requirements which go to the fundamental question of whether we are going to move forward. If the Senator does not want to speak further right now, I would like to speak to that issue.

Ms. AYOTTE. Yes. Thank you.

Mr. KYL. All right. Mr. President, as I said, this particular amendment doesn't require that the administration actually establish a site for an east coast defense, but I do believe such a site would provide an important and critical measure of protection for the east coast of the United States and also those in the southeastern part of the United States.

This has become more important due to the cancellation of earlier plans to deploy long-range ground-based interceptors in Poland. That is what it originally was going to provide, full protection for the United States. That would have provided what is called an "early shot" or a shot early in the tra-

jectory of a missile coming from someplace—for example, the Middle East—toward the United States.

In conjunction with the missile defense sites that we already have in Alaska and in California, a site further to the east would provide what is called a multiple-shot opportunity or an ability in the event that there was more than one missile or one had to distinguish between decoys or one of our first missiles wasn't effective in reaching its target; it would give us, in effect, a second chance to shoot down the missile, which is always what we want to do in planning these kinds of missile defense systems.

In fact, this was the actual rationale for, the actual basis for the third site deployment in Poland, to improve protection of the United States, while at the same time affording protection for our European allies against longer range ballistic missile threats from the Middle East.

This is a critical point. We are involved in missile defense not just to protect our allies, say, in Europe but also to protect the homeland of the United States of America. But the current administration's plan seems to be oriented toward protecting allies in Europe and not strengthening the protection of the people in the United States of America.

The administration says it can cover the ballistic missile threat from the Middle East with the current inventory of 30 ground-based interceptors. First of all, I seriously disagree with that assessment. In any event, there is no way to know if that can be done for sure.

Let me cite the President's own Ballistic Missile Defense Review report, which says:

Looking ahead, it is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so.

So you can't say based upon what happened a couple of years ago, or the deployment of the ground-based interceptors, that only 30 of them, bear in mind, are going to protect our homeland at all.

Now how does the administration then plan to make up for what it has done in terms of canceling programs that further develop the so-called Ground-Based Interceptor. Well, it plans to compensate for this loss of original Ground-Based Interceptor deployments with something that is called the IIB missile, the SM-3 Block IIB.

That is a missile that would be deployed in Poland, for example, but the problem is there is no SM-3 Block IIB missile. That is something that is in the minds of some scientists. It is on vu-graphs. There are pictures of what it might look like, but there is no such missile.

Indeed, without discussing classified material here there is no way to know whether we are actually even going to be able to develop such a missile. In fact, its development, rather, has already been delayed to the year 2021.

Now, think about it. Think about it. This is 2012, and we wouldn't even begin developing such a missile for another 9 years? This is something way off into the future, if it works, and there is no commitment to deploy it and, indeed, the President has already talked with President Medvedev of Russia about further flexibility in designing our missile defense system. It is no secret that this is potentially on the chopping block, notwithstanding the commitments of the President earlier to deploy it.

The NRC has, in fact, recommended that there be an interceptor site on the east coast of the United States as a possible substitute for this Block IIB. This concern has been raised before, and the administration has yet failed to provide a hedging strategy that the fiscal year 2012 NDAA required. So we have known of this deficiency, the fact that the GBI system is not adequate, the fact that the SM-3 Block IIB system may never be deployed. We have asked for a hedging strategy.

So what do we do if none of this works, if we don't go forward with it? We don't have that even if the law has required it.

What this amendment does is to shine an even brighter light on the concern that I have had for a long time, which is why the administration hasn't provided sufficient resources and attention to our missile defense efforts to protect the homeland of the United States. That is precisely what this would do. Sure, it would help with regard to our friends in Europe, but the primary point of this is to protect the American people. What is wrong with that?

Some examples that lead to my concern are that in his first budget, the President reduced funding for the ground-based system. That is the Ground-Based Midcourse Defense System that is also known as the national missile defense system, by \$500 million, \$½ billion. Then another billion dollars was reduced between his fiscal year 2011 and fiscal year 2012, 5-year budget plans. So they have taken an enormous amount of money out of the development of the system that was supposed to protect the United States. The President cut back the number of Ground-Based Interceptors for the defense of the homeland.

Originally, under the Bush administration, it was going to be 44. Well, that is a pretty small number when you stop to think about it, but they have cut it back to 30. Then in addition they subsequently cancelled the 10 GBI interceptors that we were going to send to Poland for defense of Europe as well as the United States.

So they have not only cut back on the funding for the development of the program, they have cut back on the actual number of the interceptors that we have already developed.

Third, the President curtailed any significant development and modernization of the GMD system, and he

cancelled the Multiple Kill Vehicle Program, which was intended to be a significant upgrade to the current Kill Vehicle. The current design is over 20 years old.

When we talk about a kill vehicle, of course, we are talking about what is on the nose of the missile that goes up, the interceptor missile, how it intercepts the ballistic missile in flight, how it finds it, how it triggers the final phase of the intercept, and how it actually impacts the offending missile.

The technology has improved dramatically since the 20 years that has elapsed from the design of the original kill vehicle of the GBI. First of all, they have reduced funding for the program. Secondly, they have cut back the number of missiles in the program. Third, they have stopped the development of the next generation of the real business end of the missile, the kill vehicle, so that it can't improve with technology and improve to meet the evolving threats of those that are developing missiles against us.

Remember, countries such as Russia, for example, have extraordinarily sophisticated multiple-entry vehicles with decoys and other technology to try to evade a missile defense that the United States has produced. If we don't develop our technology and deploy it to keep up with these developments, we are not going to have an effective system.

Over the next 5 years the administration intends to spend \$20 billion on regional missile defense compared with only \$4 billion for homeland missile defense. So we are going to provide protection for our allies—European allies and so on—but only \$4 billion over the next 5 years. That is about \$1 billion a year on a system that is critical for the protection of the United States.

I would ask my colleagues to recall the Missile Defense Act of 1999, going all the way back then, which requires the United States to build a missile defense system capable of protecting our Nation against limited ballistic missile attacks from rogue nations and protect against any accidental and unauthorized launches from any source. We need to ensure our homeland missile defense system is as robust as possible, and a missile defense site on the east coast may be one of the best means for accomplishing this.

In other words, of course, we are concerned about North Korea or Iran, but there are a couple other countries in the world that may not wish us any harm but that have extraordinarily capable systems—I speak specifically of China and Russia. We have always wanted—and the law requires us—to provide protection against the kind of unauthorized or accidental launch that can occur. This is not an idle concern. We spend enormous amounts of time and energy and money trying to make sure these extraordinarily lethal weapons are never launched by accident or by some unauthorized event. That is one of the reasons for a missile defense

system, to ensure that kind of accident never would result in harm to the United States. Of course, what they are also worried about is, if that ever happens, then there is the question of retaliation. How do we know this is not intentional? How do we know we shouldn't retaliate?

Wars can be started almost by accident, and the best protection against that is a missile defense system that can ensure no harm is done even if there is such a launch. In the meantime, we can find out whether this is real, whether we need to respond, whether we need to start another war. That is the benefit of a missile defense system.

It is beyond me why the administration reduces the funding, cuts back the numbers, and kills the advanced technology we could put into our system to protect the people of the United States of America. I understand the difficult choices that have to be made in a time of austerity, but we are not talking about extraordinary amounts of money. The amendment of the Senator from New Hampshire simply calls for a study of the location of the site and what the impact of that would be. That is the first step in deciding where to put this additional bit of protection.

I think this is a priority. To oppose just the idea of investigating how we are going to be proceeding, especially with the little bit of money that entails, is difficult to understand. It is not too much to ask. We have a moral responsibility to protect our people. It makes strategic sense because of the exposure of our American homeland to these long-range missile threats and because of the critical vulnerability we have right now.

The commander of NORTHCOM, the military entity with responsibility here—General Jacoby—told Congress last March:

No homeland task is more important than protecting the United States from a limited ICBM attack . . . we must not allow regional actors, such as North Korea, to hold U.S. policy hostage by making our citizens vulnerable to a nuclear ICBM attack.

That is part of the problem. There are some people in the United States who actually believe it would be beneficial for the United States to be vulnerable to a missile attack from another country. They actually believe that would be advantageous. The reasoning is rather weird, but it goes something like this: If we develop defenses that could protect the American people, then other countries will want to develop even more effective systems that can try to override those defenses, and that puts us into a spiral of arms development that would be very costly.

One can argue that theory, but there are a couple things wrong with it. First of all, recall this was the argument used against getting out of the ABM Treaty to enable the United States to develop an antiballistic missile defense. It was going to create this big arms war between then-Soviet Union

and the United States. It didn't. Both sides have reduced our warheads. One of the reasons why is because it is so expensive, and the Soviet Union, now Russia, realized we could have driven them into bankruptcy. It is one of the reasons—one of the reasons—Russian officials have cited for the collapse of the Soviet Union. They knew Ronald Reagan meant it when he said he was going to develop a missile defense system. They knew they couldn't spend enough money to overcome it or, if they tried, they would go into bankruptcy. It is expensive.

I don't necessarily think we have to fear a new expensive arms race because there are very intelligent people in other countries, such as Russia, for example, who appreciate the fact that would be a fool's errand. They may want to threaten, but they are not going to do it because they can't afford it any more now than they could back in the days of the Soviet Union. They know the United States has the resources to trump whatever they do come up with. That is the first point.

But the second point is the moral one. Is it moral for leaders who have responsibility for the national security of the American people to deliberately—knowing this is the case—leave them vulnerable to an attack that could kill millions of Americans at a time? If we have the means of avoiding that result, we should. We do. We have that means. It may require a little bit more money. It may require not cutting back the number of interceptors we have deployed. It may require continuing with the advancement of technologies we know are out there. It may require siting missiles in a country of Europe, on Aegis cruisers or on the east coast of the United States. We know how to do all these things.

Is it moral for leaders of the United States to leave our people deliberately vulnerable to an attack by others when we know we have the means to prevent it, and there is a cost-benefit that obviously favors the deployment of an additional site of ground-based interceptors?

I think for the Senator from New Hampshire to propose that we begin looking at where a new site might be and determine what the environmental impacts of that are as a complement to what the House of Representatives has already done in passing the bill that says we need to move forward is a perfectly reasonable step, and I commend her and the other cosponsors of this amendment for bringing this matter to the attention of the Senate and to the people of the United States. This is part of our responsibility to our constituents and all the other citizens of our great Nation.

**THE PRESIDING OFFICER.** The Senator from Alabama.

**Mr. SESSIONS.** Mr. President, I just to want follow up on the remarks of my colleagues Senator KYL and Senator AYOTTE.

Last year, I asked for and obtained language in the Defense bill that would

require the Defense Department to report on the effectiveness and need and ramifications of a hedging strategy for the United States, and that was due within 75 days of the bill being passed. My understanding is the Defense Department produced that analysis and they sent it to the White House as early as last spring and it has not been produced.

So now we have the House having passed language that actually funds moving forward with a hedging strategy on an American-based system to give us a layered defense, which I think is probably necessary but because we have not gotten a report from the Defense Department it is hard to know. I would first say it is not acceptable that we have not received that report. It has gone on too long. I guess I and Congress have been too reticent in insisting that it be produced.

I would say to the Defense Department and the administration, we expect that report to be produced. I don't want to cause trouble in your world, but it has been made, it has been sent forward, and it is time to have it come to the people's representatives who have to make decisions about how we are going to defend America. I will be using the various rights I have as a Senator to move that forward.

I wish to quote from a story in today's Washington Times, referring to a statement made by Mr. Fereidoun Abbasi, who is Iran's nuclear chief. The article states: "Iran will step up its uranium enrichment program by sharply increasing the number of centrifuges used to make nuclear fuel."

There are some people still saying we don't know if Iran wants to go forward with a nuclear weapon. How could this possibly be? They have been subjected to the most rigorous sanctions that are damaging their economy. Yet in today's paper their nuclear chief says they are accelerating their plans to go forward. There is no doubt about what they are doing. I wish it weren't so. I truly wish it weren't so. I had hoped they would change their mind. Maybe they will change their mind, but it is false to say they haven't made up their mind and they are not going forward to build a nuclear weapon. That is so plainly obvious I don't know how anybody could ever suggest otherwise. The only question is, Can we somehow bring to bear enough pressure on them to get them to change their mind? There is a long article about that in today's paper.

I was pleased Chairman LEVIN and both Democratic and Republican members of the Armed Services Committee produced a unanimous bill. Senator MCCAIN, Senator LEVIN, both fine, wonderful leaders of our committee, and every member all signed off on the legislation. I think that speaks well for our committee. They also approved this language dealing with the failure of the Department to produce the hedging report—and it has a number of fact-finding points in it which I will share with my colleagues:

The Director of National Intelligence, James Clapper, has testified to Congress that . . . "Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload."

That is President Obama's National Intelligence Director, and he is the man to make the final opinion on that for the President. Let me quote additional language from the committee:

The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, "Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submissions payloads."

Also in the report:

North Korea warned the United States in October 2012 that the United States mainland is within reach of its missiles.

I will wrap up, since I can't talk much longer anyway. We have to recognize the grim fact there are very dangerous countries with nuclear weapons—North Korea—or are rapidly developing them—Iran—capable of putting them on missiles and that have missile systems already. So North Korea has a missile system they believe can reach the United States right now. We need to be sure our defense system is sufficient. I wish it weren't so, but that is the way it is. I think the Defense Department understands this.

I think the administration says it does, and we are doing some good things to be prepared for that. However, we have to confront this question of an east coast site, and we need this report. I believe we are going to need additional layered defenses, and we might as well prepare to do it. In the scheme of the entire investment in our national defense, it won't be the kind of expenditure that will break the defense budget. It is something we can work into our defense budgets.

I thank Senators AYOTTE and KYL for their comments.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LEVIN. Madam President, we are waiting for Senator CORNYN to come to the floor, and he will be speaking on the modified Cornyn amendment. We also are waiting for Senator INHOFE to come to the floor, and he will be speaking on a Hagan amendment. Then we would expect, after a fairly short amount of debate—perhaps 10 minutes but not set yet—by each of them, perhaps a minute or two by the sponsors of the amendment, particularly in the case of the Hagan amendment, to de-

scribe the amendment, we would then go to a rollcall vote on both of those amendments. That is the plan. It is not yet in a UC agreement formally because we want to make sure we are protecting the Senators in terms of the length of time they need to describe either their opposition to the Hagan amendment in the case of Senator INHOFE or their support of the Cornyn amendment in the case of Senator CORNYN.

We hope Senator KLOBUCHAR will now be recognized for a few minutes to describe a couple of amendments she has filed. She is not going to call them up at this point, but this would be a period for her to describe those two amendments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank Senator LEVIN and Senator MCCAIN for their leadership, including their leadership on this very issue last year when the Defense Authorization Act was on the floor. Last year we made some improvements.

Here is the issue. According to the Veterans Affairs Administration, a full one in five female veterans at VA facilities across the country says she has had an issue with sexual assault or harassment. In 2010 the Department of Defense cited more than 3,000 reports in the military. We know that the vast majority of our soldiers are law-abiding and would not engage in this kind of behavior, but this is clearly an issue, and we have seen an increase.

I would like to again take the time to recognize Senator LEVIN and Senator MCCAIN, who last year supported the inclusion of the amendment that I introduced to preserve records of military sexual assault in the 2012 National Defense Authorization Act. Until that time, it was really a patchwork of rules for each branch of the military as far as how long those records would be preserved. Thanks to the support of every woman Senator, we were able to get this changed, and so now these records are preserved.

But there are still some additional changes that can be made. Those are the amendments that I submitted. There is a records retention amendment—and I am working with the chairman and ranking member on this issue—that once again tackles this issue. Unfortunately, not all records are being stored for 50 years, as was our agreement last year. Documents filed in a restrictive reporting setting are stored for just 5 years, and this amendment changes that.

Our second amendment, No. 3103, addresses another area of records retention, and its purpose is to target the issue of repeat offenders. As we all know, sex offenders are often repeat offenders, and what this does is target it and makes clear that only substantiated charges of sexual offenses would be preserved in the permanent personnel file of the perpetrator.



The third amendment, No. 3104, involves sexual assault reporting and expands the data the Department of Defense reports on sexual assault incidents in the military.

The fourth amendment, No. 3105, tackles one of the key precursors to sexual assault—sexual harassment.

The fifth and final amendment involves the disposition of sexual assault cases. It makes a statement about what the U.S. policy should be regarding the disposition of sexual assault charges in the military.

All of these requests came from women in the military. My office has been working with these women. They signed up to serve. They performed their service well and honorably. In the course of their service, if they experienced an assault that could have been prevented, an assault that would not have been experienced had they not volunteered for the service, then our country owes them the basic decency of ensuring them a fair trial, fair access to health benefits, and the promise of justice. That is the goal of our amendments.

I appreciate the leadership of Senator LEVIN and Senator MCCAIN in not only working with me last year to dramatically alter this policy so these records are now preserved for 50 years but for working this year on improvements to that policy once again.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

Mr. INHOFE. Madam President, I request that the order for the quorum call be rescinded for a point of inquiry.

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

Mr. INHOFE. It is my understanding that the chair has an amendment that is going to be considered at the present time, and my question is, Are we ready to go into that? Is the Presiding Officer going to be able to do that from up there?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If the Senator would yield, we thank him for noting that.

Senator HAGAN did have an opportunity last night to go into her amendment, and she was willing to do that at that time. We understood that, of course, the Senator would like an opportunity to speak against the Hagan amendment, which is the opportunity that is being provided now, and then I think it would be appropriate for someone to take Senator HAGAN's place at the Presiding Officer's position so she can speak for a few minutes in support of her amendment after the Senator has completed. If the Senator could give us an idea about how long he expects?

Mr. INHOFE. Not more than 7 or 8 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I was not here when the Presiding Officer

spoke last night; however, I am familiar with the amendment that is here.

Let me share with some of the Members here. I hope they don't look at this amendment as just part of the amendment that was defeated yesterday.

We talked about biofuels. There are a lot of people here who are supportive of biofuels. I am supportive of biofuels. In fact, we are very active in Oklahoma right now in developing various biofuels. We are one of the leaders in the Nation, and we actually have a lot of plants located in my State of Oklahoma. This is not that issue. It is not whether you believe biofuels is something we are working toward in the future. We are. We all know that. This is whether we should take our very scarce defense dollars—in this case, the dollars that would otherwise go to the Department of Navy—and put them into subsidizing the private sector in building these plants.

What we are looking at now is to either retrofit or build biofuel refineries. This is interesting because right now I have a list of about 100 different biofuel plants—many of which are in my State of Oklahoma—that are not subsidized by the Federal Government, and there is no reason for these to be subsidized by the Federal Government. This is something that can be done.

If you look at the Navy and the problems they are having right now, I think people realize their operation and maintenance funds are stretched to the maximum. They have readiness problems right now. They have a higher tempo than they have had in the past. And I think it is important for people to understand that if you keep giving away \$170 million here and more there, that is coming out of O&M. It is coming out of our readiness. Right now, if you talk to any of the higher levels in the Navy, they will say they have never been in this situation before. They have already had readiness problems over the past few years, with more than one-fifth of the ships falling short of combat readiness and fewer than half of their deployed combat aircraft being mission-ready at any given time.

I urge us to reconsider whether we should be in the business of building these plants or retrofitting them because this is something we haven't done before.

Now, Energy and Agriculture are doing it currently. Yesterday I stood on the floor and talked about how we are taking over the responsibility of the Department of Energy. We are trying to make the decisions as to how we are going to do this. Should we be developing the progress of the biofuels—which we are doing in the State of Oklahoma without any Federal Government assistance—or should we be defending America with these dollars? Now, Energy, yes, they are going to spend money on this, and the Department of Agriculture is certainly currently spending money on it, but we have not been doing it.

I understand that the Presiding Officer, who is the author of this amendment and who is from North Carolina—and I am reading now from one of the Web sites, from a newspaper there saying that a private company backed by the U.S. Department of Agriculture will build a \$130 million biofuel refinery in Sampson County, with an estimated 300 jobs there. They talk about what they may be doing through the Department of Defense. ChemTex was awarded a \$3.9 million grant in June to convert more than 4,000 acres across 11 counties to begin producing miscanthus and switchgrass and biofuel conversions. The USDA, which is supposed to be doing this, estimates that farmers will see a net revenue increase of \$4.5 million in growing and selling grass.

I come to two conclusions on this. One is, as I just read, they are already doing it now in the State of North Carolina. They are already paying, subsidizing these plants. That is their job, to evaluate and decide whether to subsidize these biotech plants or whether that should be a function of the Department of Energy.

When we look at these—I asked my staff before this—we didn't have notice, to my knowledge—I asked my staff on the floor to tell me whether there are any of these plants currently being subsidized in any way by the Department of Defense. His answer was no, after a very cursory look.

We do have the DOE and DOA, Department of Agriculture and Energy, doing that. I hope everyone here will look at this. I will actually join the author of this amendment in encouraging the Department of Agriculture and Department of Energy to look carefully at this, as well as some of our plants in my State of Oklahoma. On this list I am going to submit as part of the RECORD, there are about 100 plants scattered throughout the country, including my State of Oklahoma. We need to look at those and evaluate those and make the determination is this a function government should perform? If so, wouldn't it be more logical to do it as we are doing it today, through the Department of Agriculture and the Department of Energy and not use our scarce readiness—in this case Navy—dollars that are desperately needed to subsidize this?

I retain the remainder of my time. I know the Senator who is offering the amendment may want to make some comments. Maybe not. But I urge my colleagues to stop and realize this is something brandnew, having the Department of Defense do a function that has heretofore been done by the Department of Agriculture and Department of Energy, and keep it that way.

When the appropriate time comes, I will ask for the yeas and nays on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that the next

amendment in order to be called up is the Cornyn amendment, No. 3158; that after the Cornyn amendment is reported it be in order for Senator HAGAN or designee to call up her amendment, No. 3095; that there be up to 10 minutes of debate equally divided between the chairman and ranking member or their designees prior to votes in relation to the amendments in the order offered; finally, there be no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. That means we would be voting on the amendment of Senator CORNYN first, the amendment of Senator HAGAN second.

I yield the floor.

Mr. MCCAIN. That will take approximately 30 minutes? Before the vote?

Mr. LEVIN. I think Senator CORNYN only needs about 5 minutes. We have cleared that amendment. There is support for it.

Senator HAGAN only needs, I believe, 5 minutes. That means that in about 10 minutes—

Mr. MCCAIN. Ten minutes we will be ready to vote.

Mr. LEVIN. Unless there are others who wish to speak. A couple of votes.

The PRESIDING OFFICER. The Senator from Texas.

#### AMENDMENT NO. 3158

Mr. CORNYN. Madam President, I thank the distinguished chair of the Armed Services Committee and ranking member for their work with us on this important amendment.

The Veterans' Administration defines a backlogged claim as one that has been pending for more than 125 days. Scandalously, there are 600,000-plus backlogged claims in the Veterans' Administration system and about two-thirds of all pending claims are backlogged.

There has been a lot of attention, particularly in my State and across the country, by veterans to this unacceptable situation. In my State we have currently at the Veterans' regional office in Texas a State agency called the Texas Veterans Commission that is working with both the Waco office and other field offices in Houston and elsewhere to clear these backlogs. The Texas Veterans Commission is doing outstanding work, working on a voluntary basis to help make sure veterans file fully developed claims which shortens the processing time dramatically. The goal of the Texas Veterans Commission is to reduce the backlog of VA claims in Texas by 17,000 in 1 year.

You can see from the size of the problem this is an important first step but it is only that, a first step. The purpose of my amendment is to provide this useful model across the country, to require a plan from the Veterans' Administration to deal with this backlog. I am confident that Members will have no trouble voting for this amendment because I am sure they have heard

what I have heard from my constituents about how outraged and upset they are at the current backlog of claims.

In order to capitalize on the successful model we have implemented, this amendment would require the Veterans' Administration to report to Congress with a plan to address the claims backlog through partnerships between the Veterans' Administration and other entities including State veterans affairs offices and county veterans service offices, similar to the Texas Veterans Commission operation in my State. The purpose, of course, is to eliminate the current backlog of claims and ensure that new claims are fully developed when they are submitted, all with the purpose of making sure that we keep our commitments to veterans who have made great sacrifices serving our country, that we will keep our commitments to them, that we will keep our promises once they return home having suffered the wounds of war, both seen and unseen.

I ask the support of my colleagues on this important amendment.

I ask unanimous consent to set aside all pending amendments and call up Cornyn amendment No. 3158.

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

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3158.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of Veterans Affairs to submit to Congress a plan to reduce the current backlog of veterans claims)

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

#### **SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

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

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the "Texas State Strike Force Team" and the "Fully Developed Claims Team Initiative", is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations "and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans."

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the "TVC is working very, very well" with regional offices of the Department in Texas, calling the Texas Veterans Commission a "very positive story that we can branch out into . . . all of our stakeholders."

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and



(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

Mr. CORNYN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CORNYN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3095

Mrs. HAGAN. I call up amendment No. 3095.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. HAGAN], for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado proposes an amendment numbered 3095.

The amendment is as follows:

(Purpose: To strike the prohibition on biofuel refinery construction)

Strike section 2823.

Mrs. HAGAN. Mr. President, I ask unanimous consent to add Senators Shaheen, Collins, Schumer, Stabenow, Whitehouse, Coons, Udall of New Mexico, and Tester as cosponsors.

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

Mrs. HAGAN. Mr. President, I spoke about this bill last night at length. I want to give a brief summary today of this amendment.

This bipartisan amendment would remove provisions from the underlying bill that prohibit the Department of Defense from participating in a program with the Department of Agriculture and the Department of Energy and private industry to develop advanced biofuels refineries. It is a 1-to-1 match. As the largest single consumer of fuel in the world, the DOD uses approximately 120 million barrels of oil each year, spending over \$17 billion in fiscal year 2011. This dependency on a single source of energy leaves our military readiness at risk. When the price of oil goes up \$1, it costs the Navy an additional \$30 million. We are looking at an investment here of \$170 million by the Department of the Navy. Last year alone, this additional fuel cost forced the Navy to pay an additional \$500 million more because the price of fuel was \$1 higher.

Our senior military leaders recognize the importance of diversifying the fuel

supply with advanced biofuels. The Navy Secretary Mabus, Chief of Naval Operations ADM Johnathon Greenert, and Marine Corps Commandant GEN James Amos wrote to the Armed Services Committee about this.

I ask unanimous consent to have their letter printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. HAGAN. They write that:

The demand for fuel in theater means we depend on vulnerable supply lines—the protection of which puts lives at risk. Our potential adversaries, both on land and sea, understand this critical vulnerability and seek to exploit it. The Navy and Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to our expeditionary forces.

If you look back in history, the Navy's leadership on energy innovation is nothing new. It was the Navy that shifted from sailing ships to steam-powered ships in the middle of the 19th century, steam to oil in the 20th, and pioneered nuclear power in the middle of the 20th century.

In the 1950s, the Defense Production Act, which is the same entity the Department of the Navy, Department of Energy, and Department of Agriculture are working under, played a critical role in the development of nuclear-powered submarines and the commercial nuclear power industry.

Yesterday the Senate approved Senator UDALL's amendment having to do with the cost of fuel and being able to invest in biofuels. With strong bipartisan support this amendment passed. However, our work is not done in this area. It is critically important that we approve this amendment so the Navy can continue working with the Department of Agriculture and the Department of Energy to spur the development of advanced biofuels refineries capable of producing cost-competitive drop-in biofuels for our military.

I urge my colleagues to support this amendment and I yield the floor.

#### EXHIBIT 1

DEPARTMENT OF THE NAVY,  
Washington, DC, July 9, 2012.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are concerned that certain legislative provisions adopted by the Senate Armed Services Committee may restrict the Department of the Navy's ability to improve its exposure to the price volatility of petroleum-based fuels.

The ability to use fuels other than petroleum will increase our flexibility and reduce the services' vulnerability to rapid and unforeseen price changes, which can negatively impact readiness. A \$1 change in the price of a barrel of oil, for example, results in an approximately \$30 million change in the Navy budget. In addition to alternative fuels, operational and tactical energy efficiencies improve the endurance of our forces, reduce dependence on a vulnerable logistics tail, and in the end, lower total ownership costs. Shore energy efficiency improves the resilience of our facilities and conserves re-

sources that can be reapplied to enhance readiness.

The demand for fuel in theater means we depend on vulnerable supply lines—the protection of which puts lives at risk. Our potential adversaries, both on land and at sea, understand this critical vulnerability and seek to exploit it. The Navy and Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to expeditionary forces by reducing their dependence on external fuel supplies, as is the case at many Combat Outposts in Helmand Province today. We are quickly incorporating these promising technologies into regular procurement.

Our military knows how to innovate in areas crucial to our national defense. GPS, the internet, and much of modern medical and surgical procedures owe their existence to military innovation. The Navy has been a leader in energy innovation, moving from wind to coal, coal to oil, and then nuclear power. Our modest investment to qualify and partner in developing alternative sources of energy such as wind, solar, and advanced biofuel, is a continuation of our long tradition of American ingenuity to provide greater energy security.

In accordance with Department of Defense Policy, the Department of the Navy is pursuing assured access to enemy with a balanced approach that includes the flexibility to use alternate sources of energy. History highlights that over-reliance on a single critical resource jeopardizes operational success and thereby degrades energy security.

We request your support in enabling the Department to pursue a judicious, balanced and diversified energy portfolio. This course of action will enhance combat capability, reduce costs and improve the security of energy supplies for our forces.

Sincerely,

JONATHAN W. GREENERT,  
Chief of Naval Operations.

JAMES F. AMOS,  
Commandant of the Marine Corps,

RAY MABUS,  
Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. With reference to the Udall amendment yesterday, I want to make sure our colleagues note this is not the Udall amendment. This is something different. This would mean for the first time we would be spending our DOD dollars, very scarce dollars—in this case the Department of the Navy—to build refineries or retrofit refineries. That has not been done before. As I said to the Senator from North Carolina when she was presiding: This is a function that has always been performed by the Department of Energy and the Department of Agriculture. In my State of Oklahoma we have several of these refineries and potential refineries and retrofits that are needed. However, we went through the proper channels, the Department of Agriculture and the Department of Energy. So if we vote for this amendment, it will be the first time we are using our readiness dollars to do something the DOA and the DOE are supposed to be doing. That is what distinguishes the difference between the two.

Mr. JOHNSON of South Dakota. Mr. President, I come to the floor today in

strong support of amendment No. 3095 offered by Senator HAGAN to strike section 2823 from the National Defense Authorization Act.

Section 2823 would severely limit the Department of Defense's ability to use alternative fuels to enhance our Nation's national security. This section would needlessly prohibit the Department of Defense from entering into a contract to plan, design, refurbish, or construct a biofuels refinery or any other facility or infrastructure used to refine biofuels unless such planning, design, refurbishment, or construction is specifically authorized by law.

Under the authorities of the Defense Production Act, DPA, the Department of Defense has created the Advanced Drop-In Biofuels Production Project. This initiative is focused on creating a public-private partnership that will provide incentives for private sector investment in cost-competitive, advanced biofuels production capability. This initiative requires at least a one-to-one cost share with private stakeholders.

In furtherance of this initiative, in August 2011, the Department of Navy, the Department of Agriculture and the Department of Energy signed a memorandum of understanding to invest \$510 million, equally shared among them, for investments in the joint construction or retrofitting of plants and refineries to produce advanced biofuels. Now is not the time to prevent this important program from continuing. Before this project can be finalized, the President has to determine that this is essential to the national defense. Only then will it go forward. I am confident that this requirement in the DPA will ensure that only the most important projects for our national security will go forward.

As chairman of the Banking Committee, which has jurisdiction over the DPA, I believe it is misguided to limit the authority of the Defense Department to continue with this project. As the largest single customer of oil in the world, the Department of Defense spent \$17 billion in fiscal year 2011 on fuel. This dependency on a single source of energy forces the Department of Defense to reallocate funding from other critical needs when oil prices spike. An increase of \$1.00 in the price of oil costs the Department of Defense over \$100 million. Last year alone, spikes in oil prices required the Navy to pay an additional \$500 million on higher fuel costs.

The renewable fuels industry has played an important role in addressing our energy needs. Unfortunately, section 2823 would hinder our Nation's ability to promote renewable energy sources within our country. By striking this provision, we will allow the Defense Department to retain its authority to take essential steps to diversify the energy sources available to our military. I believe that energy security is an essential part of national security.

I thank Senator HAGAN for offering this amendment. I urge all my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

#### AMENDMENT NO. 3158

Under the previous order, the question is on agreeing to amendment No. 3158 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Michigan.

Mr. LEVIN. Between the first and second votes we are having now, we will have an announcement as to the next part of this roadmap. I hope all Senators who wish amendments to be considered will come between and during these votes to Senator MCCAIN and myself and our staffs to discuss other amendments which are out there and which there is interest in pursuing.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

#### YEAS—95

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Lee	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Cooms	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	

#### NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3158) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, members of the Armed Services Committee, immediately after you vote on this second vote, please, we are trying to clear nominations in the hallway, so stay around for a couple minutes, members of the Armed Services Committee.

Secondly, I know the leader was going to make this statement, but he had to leave for a minute, so I will make it for him. We are planning on staying late tonight, and everyone can expect to be here tomorrow. We are going to have votes tomorrow unless we somehow or other finish this bill tonight. The leader would have said that if he were here, so I am saying it for him.

Next, after this vote, I ask unanimous consent that Senator BAUCUS be recognized for 10 minutes to speak on amendments we have either adopted or are going to adopt.

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

Mr. LEVIN. Then we will line up some additional amendments. There are two we can line up now. I thought it was going to be four, but it can only be two at the moment that we would take up immediately after Senator BAUCUS speaks.

I ask unanimous consent, Mr. President, that following Senator BAUCUS's remarks we then turn to Senator MERKLEY, who will call up amendment No. 3096 on Afghanistan, and following him Senator PORTMAN, who will call up amendment No. 2995, and I do not have the subject of that amendment. I ask unanimous consent that be the order.

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

Mr. LEVIN. Mr. President, we will try to get time agreements on those two amendments. In the meantime we are continuing to work through amendments. We are going to have more cleared amendments. We are going to get to the detention issue today. We are going to try to get to all of the issues people want to raise today so we can finish by the end of the day tomorrow. We have assured everyone who is interested in the detention issue that we will be getting to that later this afternoon.

#### VOTE ON AMENDMENT NO. 3095

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3095 offered by the Senator from North Carolina.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. WYDEN) and are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER), and the Senator from South Carolina (Mr. DEMINT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—54

Akaka	Gillibrand	Merkley
Baucus	Grassley	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Inouye	Nelson (FL)
Blumenthal	Johanns	Pryor
Boxer	Johnson (SD)	Reed
Brown (OH)	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (CO)
Durbin	Lugar	Udall (NM)
Feinstein	Manchin	Warner
Franken	Menendez	Whitehouse

NAYS—41

Alexander	Enzi	Paul
Ayotte	Graham	Portman
Barrasso	Hatch	Risch
Blunt	Hoeven	Roberts
Boozman	Hutchison	Rubio
Brown (MA)	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johnson (WI)	Snowe
Coats	Kyl	Thune
Coburn	Lee	Toomey
Cochran	McCain	Vitter
Corker	McConnell	Webb
Cornyn	Moran	Wicker
Crapo	Murkowski	

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3095) 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 PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to modify the consent agreement that the Senators from New Hampshire, Ms. AYOTTE and Mrs. SHAHEEN, have 15 minutes equally divided following the remarks of Senator BAUCUS.

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

The Senator from Montana.

Mr. BAUCUS. I wish to take a moment to shine the light on a dark topic in my home State of Montana.

On Sunday I read something that hit me in the gut. The Billings Gazette reported that during 2010 at least 210 Montanans committed suicide. That is according to the Montana Department of Health and Human Services. That was 2010. In 2011 that number was 225. Another 5,600 Montanans attempted to kill themselves last year. That is a startling average of about 15 per day. In a State with roughly 1 million residents, that is nearly twice the national average.

We in Montana have a saying that I think is quite accurate. Montana is

really one big small town. We know each other, only about 1 or 2 degrees of separation. You know what. If you ask if we know Uncle Joe, we all know each other. We know somebody who knows someone very close to us. We know each other's families.

These numbers are devastating. Among the victims of suicide in Montana are children, parents, neighbors, friends, and sadly many are also our military veterans who return home only to be held behind an invisible enemy line known as PTSD.

In Montana, we are a proud home to more veterans than nearly any other State per capita. We also had more Montanans volunteer for service after 9/11 than anywhere else in the country per capita. There are nearly 300 Montanans serving in Afghanistan today. We are proud of these men and women, and we are grateful. We take our responsibility to honor them very seriously. So the statistics are all the more alarming. They are very important.

In 2011 a report from the Center for a New American Security found that from 2005 to 2010, all across the country a servicemember took his or her life almost every 36 hours.

Matt Kuntz, the executive director of the Montana chapter of the National Alliance of Mental Illness, has described Montana's suicide epidemic as a public health crisis. Matt knows all too well that behind each and every one of those numbers is a family and community devastated by the loss. Matt is a veteran himself. In 2007 he lost his stepbrother, an Iraq war veteran. I know Matt, and I knew his stepbrother. He lost his stepbrother to suicide. His stepbrother was so scared, so frightened to go back to Iraq after serving three or four tours of duty. He knew—he said to Matt: If I go back, I know I am going to die. So many of my friends and buddies have died. I know if I go back, I am going to die too.

That caused him to be very depressed, and it caused his suicide. So my friend Matt took action. He dedicated himself to raising awareness. Largely because of Matt's dedication, the Montana National Guard led the way with a successful pilot program to increase screening of veterans both before and after deployment. That is natural in Montana because, as I said earlier, we are really one big small town. We know each other, we want to take action, and we want to get results.

I was proud to champion particularly the 2010 Defense authorization bill that took the Montana National Guard model, which we developed in Montana. With the DOD Defense bill, it is now implemented nationwide. Now every branch of the military has implemented screenings. We started screening before kids go over, as soon as they come back, 6 weeks later after they are back, another 6 months later after they are back, just continually screening, personal screenings. Thousands of health care providers have been trained

under this legislation and, most importantly, thousands of servicemembers are now getting personal and private one-on-one attention from a trained health care provider.

There is still a lot more to be done, and I am proud we took steps to advance the ball yesterday by passing the Mental Health ACCESS Act as an amendment to the current bill. I applaud Senator MURRAY for her work on the measure, and I am proud to be a cosponsor. This provision creates comprehensive standardized suicide prevention within the DOD. It expands eligibility for VA mental health services to family members of veterans. It creates more peer-to-peer counseling opportunities, and it requires the VA to establish accurate, reliable measures for mental health services.

When duty calls, we in Montana answer proudly. This is about taking care of these men and women just as they have taken care of us. These people put their lives on the line in the name of our State, our country, and our freedom. We have a responsibility to try to do all we can to help them return to their families and live a reasonable, healthful life back at home. Too many Montanans are suffering in silence, as in other parts of the country.

Thank you for the opportunity to bring a voice to this important cause. Thank you, Matt, and thank you all for taking action in the Senate to further our efforts to give servicemembers and veterans the care and support they deserve.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

REMEMBERING WARREN B. RUDMAN

Mrs. SHAHEEN. Mr. President, I am pleased to come to the floor today, along with my colleague from New Hampshire, Senator AYOTTE, to honor the life and service of a distinguished former Member of this Senate and a proud son of New Hampshire, Warren B. Rudman.

Senator Rudman was widely and deservedly hailed in both life and now in his death as a public servant who reached across party lines to get the job done for his country and his State. Warren Rudman didn't do this out of weakness, he acted so because of the strength and courage that marked his entire life. An Army combat veteran of the Korean conflict, Warren Rudman earned a Bronze Star Medal. He was an amateur boxer. As the attorney general for the State of New Hampshire, he was