

SA 3247. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNIS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3248. Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3249. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3250. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3251. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3252. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3253. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3254. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3255. Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3256. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3257. Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3258. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3259. Ms. COLLINS (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3260. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3261. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3262. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3263. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3264. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3265. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3266. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3267. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3268. Mr. HATCH submitted an amendment intended to be proposed by him to the

bill S. 3254, supra; which was ordered to lie on the table.

SA 3269. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3270. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3271. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3272. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3274. Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3275. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3276. Mr. LIEBERMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3277. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3278. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3279. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3280. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3282. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3283. Mr. RUBIO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3284. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3285. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3286. Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

SA 3287. Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. Levin to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month.

## TEXT OF AMENDMENTS

**SA 3188.** Mr. WARNER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1048. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.**

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

**SA 3189.** Mr. WARNER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 132. AUTHORITY FOR MID-LIFE COMPLEX REFUELING OVERHAULS OF NIMITZ CLASS AIRCRAFT CARRIERS.**

(a) IN GENERAL.—The Secretary of the Navy shall carry out the mid-life complex refueling overhauls of the Nimitz class aircraft carriers as a single program. The program shall be carried out in accordance with the schedule for the complex refueling overhauls as submitted to Congress with the President's budget request.

(b) CONTRACT AUTHORITY.—Subject to the availability of appropriations for shipbuilding and conversion for a specific vessel in a specific fiscal year, the Secretary of the Navy may enter into contracts for the mid-life complex refueling overhauls of the Nimitz class aircraft carriers designated CVN-72, CVN-73, CVN-74, CVN-75, CVN-76, and CVN-77. Any such contract may use incremental funding authority of not more than three fiscal years per vessel, subject to subsection (c).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENT.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment in a fiscal year after the fiscal year in which the contract is awarded shall be subject to the availability of appropriations for that purpose for such later fiscal year.

**SA 3190.** Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 3122. RENEWABLE ENERGY.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking “electric energy” and inserting “electric and thermal energy”; and

(2) in subsection (b)(2)—

(A) by striking “electric energy” and inserting “electric and thermal energy”;

(B) by adding “or avoided by” after “generated from”; and

(C) by striking “geothermal,” and inserting “geothermal (including ground source, reclaimed water, or ground water).”.

**SA 3191.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Other Matters**

**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NATIONAL SECURITY ENTERPRISE.**

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

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation’s most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration’s Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

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

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

**SA 3192.** Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 344. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 116. State Partnership Program**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the

theater of operations in which such activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partner nation with which such activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the

military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Nongovernmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Nongovernmental individuals of a foreign country.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

**SA 3193.** Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARDIN, Mrs. BOXER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by him to the 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; as follows:

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

**SEC. 1246. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

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

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan’s security by the end of 2014.”

(B) “Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.”

(C) “The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.”

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), “the suspension of or restriction on women’s enjoyment of their human rights” can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women’s mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy’s success. Indicators by which to measure women’s security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women’s access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women’s full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: “As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as

part of the broader Afghan rule of law system.”

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense “lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force”.

(B) The Afghan Ministry of Interior “faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels”.

(C) In the Afghan National Police, “Many Provincial Headquarters Commanders do not accept policemen, as they prefer male candidates and lack adequate facilities to support females.”

(D) “While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.”

(E) “Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.”

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, “integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability,” which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that “the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.” This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: “We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.”

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, “Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.”

**(b) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—**

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a plan to promote the security of Afghan women during the security transition process.

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

(A) A plan to monitor and respond to changes in women’s security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women’s rights and security are included in each area’s transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women’s security, such as—

- (I) the mobility of women and girls;
- (II) the participation of women in local government bodies;
- (III) the rate of school attendance for girls;
- (IV) women’s access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women’s security into current procedures used to determine an area’s readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women’s rights and security in cases of deterioration in women’s security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and as-

sessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force’s overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) **REPORT.**—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

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

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

**SA 3194.** Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, Mrs. GILLIBRAND, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 543, between lines 2 and 3, insert the following:

**SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of

title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”

(b) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”

**SA 3195.** Mr. LEVIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of

Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—

(1) RAPID REPORTING.—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) REPORT ELEMENTS.—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) ACCESS.—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In this section, the term "cleared defense contractor" means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**SA 3196.** Ms. COLLINS submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) RESEARCH STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) PURPOSE.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

(f) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 for the Working Capital Fund, Army, not more than \$3,000,000, shall be available in such fiscal year to carry out the research study.

**SA 3197.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 314. LIMITATION ON FUNDING FOR CONNECTION OF CLEAR AIR FORCE STATION TO COMMERCIAL UTILITY GRID.**

The Secretary of Defense may not obligate or expend any funds to connect Clear Air Force Station to a commercial utility grid or to purchase utility services necessary to the operation of Clear Air Force Station from commercial sources until 180 days after

the Secretary submits to the congressional defense committees a report analyzing the costs and benefits of the proposed action, including the impact of such change on Department of Defense civilian employees.

**SA 3198.** Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

"(2) In this subsection:

"(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

"(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

"(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

"(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

"(iii) was brought to the United States from abroad as a memorial of combat abroad.

"(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

"(A) the transfer of that veterans memorial object is specifically authorized by law; or

"(B) the transfer is made after September 30, 2017."

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SA 3199.** Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; as follows:

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

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 3200.** Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1064. REPORT ON FOREIGN AREA OFFICER PROGRAM.**

(a) **STUDY AND REPORT REQUIRED.**—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study and submit to the congressional defense committees a report on the Foreign Area Officer program and implications of the strategic rebalance to the Asia-Pacific region.

(b) **MATTERS COVERED.**—The study and report required under subsection (a) shall cover the following matters:

(1) The number of military personnel in the Foreign Area Officer program by country and service in each combatant commander’s area of responsibility.

(2) The number of women and minorities within the Foreign Area Officer Program.

(3) Planned actions to address the 30 percent shortage of Foreign Area Officer personnel fill rates in the United States Pacific Command, the United States Africa Command, and the United States Special Operations Command.

(4) A forecast of future Foreign Area Officer requirements.

(5) A listing of the Department of Defense programs with objectives similar to the Foreign Area Officer program and a discussion of how they complement or are distinct from the Foreign Area Officer program.

(6) Planned actions to ensure Foreign Area Officers maintain the skills acquired through the program when serving in a non-Foreign Area Officer capacity, including language skills, cultural understanding, and regional knowledge.

(7) Planned actions in creating a Foreign Area Officer Reserve Corps across all services that is fully trained and capable of carrying out Foreign Area Officer missions.

(8) A description of mechanisms that the Department of Defense utilizes to maintain a connection to Foreign Area Officer program alumni and a discussion on the effectiveness of each mechanism.

(c) **RECOMMENDATIONS.**—The report submitted under subsection (a) shall include recommendations for any legislation necessary to enhance the Foreign Area Officer program in support of the newly articulated rebalance to the Asia-Pacific.

**SA 3201.** Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; as follows:

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

**SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD’S RESISTANCE ARMY.**

Consistent with the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord’s Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the

funding table in section 4301 for Operation and Maintenance, Defense-wide for “Additional ISR Support to Operation Observant Compass”, the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord’s Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

**SA 3202.** Mr. GRAHAM (for himself, Ms. AYOTTE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1032. AFFIRMATION OF THE UNITED STATES TO DETAIN TERRORISTS.**

Congress affirms the following:

(1) Al-Qaeda, the Taliban, and associated forces continue to be a clear and present military threat to the United States.

(2) The power to detain under the law of war shall apply to an individual who—

(A) joins al-Qaeda, the Taliban, or an associated force; and

(B) plans or participates in a belligerent act against the United States on behalf of such forces anywhere within the United States and its territories.

**SA 3203.** Mr. GRAHAM (for himself, Mr. SCHUMER, Mr. BARRASSO, Mr. MENENDEZ, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. LIMITATIONS ON ASSISTANCE TO PALESTINIANS.**

(a) **INTERNATIONAL CRIMINAL COURT RESTRICTION.**—The United States shall not provide assistance for the Palestinian Authority if the International Criminal Court adjudicates any matter proposed or supported by the Palestinian Authority or any other entity, legally recognized or otherwise, that purports to represent the interests of the Palestinian people.

(b) **PLO OFFICE CONDITIONALITY.**—Notwithstanding any other provision of law, the Palestine Liberation Organization, its constituent groups, or any successor entity shall not maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States unless the President determines and reports to the Speaker of the House of Representatives and the President Pro Tempore of the



Senate that the Palestinians have entered into direct and meaningful negotiations with Israel.

**SA 3204.** Mr. AKAKA submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Strike section 941 and insert the following:

**SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) AUTHORITY TO ESTABLISH.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

“(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) NATIONAL SECURITY EDUCATION BOARD.—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813.

“(10) Assess on a periodic basis the needs identified by the departments and agencies of the Federal Government for personnel with skills in various foreign languages.

“(11) Recommend plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government.

“(12) Recommend effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills.

“(13) Advise on the coordination of activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.”.

**SA 3205.** Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States recognizes the administrative control of Japan over the Senkaku Islands;

(4) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(5) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(6) the unilateral actions of a third party will not affect any determinations by the United States on the question of administrative control over the territories under the administration of Japan; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation

and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

**SA 3206.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.**

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

“(A) the date that is 15 years after the date on which the person died; and

“(B) the date on which the individual remarries.

“(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

**SA 3207.** Mr. FRANKEN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. REQUIREMENTS IN CONNECTION WITH NEXT UPDATE OF CURRENT STRATEGIC PLAN FOR OFFICE OF RURAL HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—The first update of the Strategic Plan Refresh for Fiscal Years 2012 through 2014 of the Office of Rural Health of the Department of Veterans Affairs after the date of the enactment of this Act, whether

an update or refresh of such Strategic Plan Refresh or a strategic plan to supersede such Strategic Plan Refresh, shall be prepared in accordance with this section.

(2) CONSULTATION.—The Director of the Office of Rural Health shall prepare the update in consultation with the following:

(A) The Director of the Health Care Retention and Recruitment Office of the Department.

(B) The Director of the Office of Quality and Performance of the Department.

(C) The Director of the Office of Care Coordination Services of the Department.

(b) ELEMENTS.—The update described in subsection (a) shall include, for the period covered by the update, the following:

(1) Goals and objectives for the recruitment and retention by the Veterans Health Administration of health care personnel in rural areas.

(2) Goals and objectives for ensuring timeliness and improving quality in the delivery of health care services by the Veterans Health Administration in rural areas through contract and fee-basis providers.

(3) Goals and objectives for the implementation, expansion, and enhanced use of telemedicine services by the Veterans Health Administration in rural areas, including through coordination with other appropriate offices of the Department.

(4) Goals and objectives for ensuring the full and effective use of mobile outpatient clinics by the Veterans Health Administration for the provision of health care services in rural areas, including goals and objectives for the use of such clinics on a fully mobile basis and for encouraging health care providers who provide services through such clinics to do so in rural areas.

(5) Procedures for soliciting from each Veterans Health Administration facility that serves a rural area the following:

(A) A statement of the clinical capacity of such facility.

(B) The procedures of such facility in the event of a medical, surgical, or mental health emergency outside the scope of the clinical capacity of such facility.

(C) The procedures and mechanisms of such facility for the provision and coordination of health care for women veterans, including procedures and mechanisms for coordination with local hospitals and health care facilities, oversight of primary care and fee-basis care, and management of specialty care.

(6) Goals and objectives for the modification of the funding allocation mechanisms of the Office of Rural Health in order to ensure that the Office distributes funds to components of the Department to best achieve the goals and objectives of the Office and in a timely manner.

(7) Goals and objectives for the coordination of, and sharing of resources with respect to, the provision of health care services to veterans in rural areas between the Department of Veterans Affairs, the Department of Defense, the Indian Health Service of the Department of Health and Human Services, and other Federal agencies, as appropriate and prudent.

(8) Specific milestones for the achievement of the goals and objectives developed for the update.

(9) Procedures for ensuring the effective implementation of the update.

(c) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the issuance of the update described in subsection (a), the Secretary of Veterans Affairs shall transmit the update to Congress, together with such comments and recommendations in connection with the update as the Secretary considers appropriate.

**SA 3208.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 589, after line 23, insert the following:

**Subtitle D—American Medical Isotopes Production**

**SEC. 3141. SHORT TITLE.**

This subtitle may be cited as the “American Medical Isotopes Production Act of 2012”.

**SEC. 3142. DEFINITIONS.**

In this subtitle:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

**SEC. 3143. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or



(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) **COORDINATION OF ENVIRONMENTAL REVIEWS.**—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) **OPERATIONAL DATE.**—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) **RADIOACTIVE WASTE.**—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material released from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

**SEC. 3144. EXPORTS.**

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”

**SEC. 3145. REPORT ON DISPOSITION OF EXPORTS.**

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

- (1) their location;
- (2) whether they are irradiated;
- (3) whether they have been used for the purpose stated in their export license;
- (4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;
- (5) the year of export, and reimportation, if applicable;
- (6) their current physical and chemical forms; and
- (7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

**SEC. 3146. DOMESTIC MEDICAL ISOTOPE PRODUCTION.**

(a) **IN GENERAL.**—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

“a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”

(b) **TABLE OF CONTENTS.**—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”

**SEC. 3147. ANNUAL DEPARTMENT REPORTS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) **CONTENTS.**—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

**SEC. 3148. NATIONAL ACADEMY OF SCIENCES REPORT.**

(a) **IN GENERAL.**—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) **CONTENTS.**—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

**SEC. 3149. REPEAL.**

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

**SA 3209.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 827. SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.**

(a) REPEAL OF SECTION 325.—Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2253) is repealed.

(b) REPEAL OF SECTION 8103.—Section 8103 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10; 125 Stat. 80) is repealed.

**SA 3210.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 827. POLICY ON SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.**

(a) FINDINGS.—Congress finds that the competitive enterprise system, including small business concerns, is—

(1) characterized by individual freedom and initiative; and

(2) the primary source of the economic strength of the United States.

(b) POLICY ON SUPPORT OF COMPETITIVE ENTERPRISE SYSTEM.—It is the declared policy of Congress that the Federal Government, including the Department of Defense, should—

(1) support the competitive enterprise system of the United States, including small business concerns;

(2) not compete with the citizens of the United States;

(3) rely on commercial sources to supply the products and services required by the Federal Government; and

(4) avoid starting or carrying out any activity that provides a product or service that can be procured more effectively and efficiently from a nongovernmental source.

**SA 3211.** Mr. RUBIO (for himself, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMITTEE OF INQUIRY.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

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

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings in the Report of the Bahrain Independent Committee of Inquiry for the United States security posture in the Arab Gulf and the United States Central Command Area of Responsibility.

**SA 3212.** Mr. MORAN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 847. REPORTS ON RENEGOTIATION OR CANCELLATION OF DEPARTMENT OF DEFENSE CONTRACTS IN CONNECTION WITH SPENDING CUTS.**

(a) REPORT ON PROCEDURES.—

(1) IN GENERAL.—Not later than \_\_\_ days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the procedures of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts as a result of reductions in funding for the Department of Defense in connection with—

(A) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(B) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(C) other funding reduction mechanisms.

(2) ACTIONS TO DEVELOP ADDITIONAL PROCEDURES.—If the Secretary determines for purposes of the report under paragraph (1) that any component of the Department lacks adequate procedures to govern the renegotiation or cancellation of contracts as results of reductions in funding described in that paragraph, the report shall include a description of the actions to be taken to provide such component with adequate procedures for that purpose.

(b) REPORTS ON COSTS OF CONTRACT TERMINATION.—Not later than \_\_\_ days after the termination of a contract of the Department of Defense by reason of a reduction in funding described in subsection (a)(1), the Secretary shall submit to the congressional defense committees a report on the termi-

nation of the contract that sets forth a description of the costs (including any allowable, allocable, reasonable, or unforeseen costs) to be paid by the Department in connection with the termination of the contract.

**SA 3213.** Mr. RISCH submitted an amendment intended to be proposed by him to the 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; as follows:

Strike section 3114 and insert the following:

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

**“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

“(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) ELEMENTS.—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

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

**SA 3214.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

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

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that the Secretary believes the Government of India should acquire in order to enhance cooperation and coordination with the United States Government on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3215.** Mr. BROWN of Ohio (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—AMENDMENTS TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**

**SEC. 1801. PRE-ELECTION REPORTING REQUIREMENTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended by striking “Not later than 90 days” and inserting the following:

“(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55

days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots are or will be available for transmission by 46 days before the election. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

“(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—Not later than 43 days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election have been transmitted to such voters by such date. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

“(3) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days”.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff-1(c)) is amended by striking “REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED” and inserting “REPORTS ON ABSENTEE BALLOTS”

**SEC. 1802. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended to read as follows:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);”.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff-1(g)) is amended to read as follows:

“(g) BALLOT TRANSMISSION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

“(A) IN GENERAL.—The State shall transmit the absentee ballot not later than 46 days before the election.

“(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

“(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot submission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

“(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

“(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the

collection and delivery of marked absentee ballots; and

“(II) in any other case, provide, at the State’s expense, for the return of such ballot by express delivery.

“(iii) ENFORCEMENT.—A State’s compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

“(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days before an election for Federal office, the State shall transmit the absentee ballot—

“(A) in accordance with State law; and

“(B) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

**SEC. 1803. CLARIFICATION OF STATE RESPONSIBILITY, CIVIL PENALTIES, AND PRIVATE RIGHT OF ACTION.**

(a) ENFORCEMENT.—Section 105 (42 U.S.C. 1973ff-4) of the Uniformed and Overseas Citizens Absentee Voting Act is amended to read as follows:

**“SEC. 105. ENFORCEMENT.**

“(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title. In any such action, the only necessary party defendant is the State and it shall not be a defense to such action that local election officials are not also named as defendants.

“(b) CIVIL PENALTY.—In a civil action brought under subsection (a), if the court finds that a State violated any provision of this Act, it may, to vindicate the public interest, assess a civil penalty against the State—

“(1) in an amount not exceeding \$110,000, for a first violation; and

“(2) in an amount not exceeding \$220,000, for any subsequent violation.

“(c) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

“(d) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a State’s violation of this Act, may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

“(e) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney’s fees, including litigation expenses, and costs.”.

(b) REPEAL OF CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITY.—Section 576 of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff-1 note) is repealed.

**SEC. 1804. TREATMENT OF EARLY BALLOT REQUESTS.**

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting “or overseas voter” after “submitted by an absent uniformed services voter”; and

(2) by inserting “or who do not reside outside the United States” after “who are not members of the uniformed services”.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(A) by striking “A State” and inserting the following:

“(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State”, and

(B) by adding at the end the following new subsections:

“(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

“(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(2) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Paragraph (1) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.”.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION” and inserting “TREATMENT OF EARLY BALLOT REQUESTS”.

**SEC. 1805. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

**SEC. 1806. RELATED CHANGES TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.**

(a) CLARIFICATION OF PROHIBITED DISCRIMINATION.—Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by striking “No” and inserting “(a) No”; and

(2) by adding at the end the following new subsection:

“(b)(1) Discrimination based on disparate impact with respect to a program or activity is established under this section only if—

“(A) a Federal department or agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of race, color, or national origin; and

“(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

“(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

“(2) In this subsection, the term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(b) PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.—Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1) is amended—

(1) by striking “Each” and inserting “(a) Each”; and

(2) by adding at the end the following new subsection:

“(b) Any person aggrieved by the failure of an entity to comply with section 601 may

bring a civil action in any Federal or State court of competent jurisdiction to enforce such person’s rights and may recover equitable relief, reasonable attorney’s fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

“(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 601.”.

**SEC. 1807. RELATED CHANGES TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.**

(a) CLARIFICATION OF PROHIBITED DISCRIMINATION.—Section 901 of the Education Amendments of 1972 (20 U.S.C. 1681) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) Subject to the conditions described in paragraphs (1) through (9) of subsection (a), discrimination based on disparate impact with respect to a program or activity is established under this section only if—

“(A) a Federal department of agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of sex; and

“(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

“(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

“(2) In this subsection, the term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(b) PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.—Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) is amended—

(1) in the section heading, by adding at the end the following: “; PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF”; and

(2) by striking “Each” and inserting “(a) Each”; and

(3) by adding at the end the following new subsection:

“(b) Any person aggrieved by the failure of an entity to comply with section 901 may bring a civil action in any Federal or State court of competent jurisdiction to enforce such person’s rights and may recover equitable relief, reasonable attorney’s fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

“(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 901.”.

**SA 3216.** Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—SERVICEMEMBERS CIVIL RELIEF ACT**

**SEC. 1801. PROHIBITION ON DENIAL OF CREDIT BECAUSE OF ELIGIBILITY FOR PROTECTION.**

Section 108 of the Servicemembers Civil Relief Act (50 U.S.C. App. 518) is amended—

(1) by striking “Application by” and inserting “(a) APPLICATION OR RECEIPT.—Application by”; and

(2) by adding at the end the following new subsection:

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—In addition to the protections under subsection (a), an individual who is entitled to any right or protection provided under this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such entitlement.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a lender from considering all relevant factors, other than the entitlement of an individual to a right or protection provided under this Act, in making a determination as to whether it is appropriate to extend credit.”.

**SEC. 1802. MORTGAGE PROTECTION FOR CERTAIN DEPLOYED MEMBERS OF ARMED FORCES, DISABLED VETERANS, AND SURVIVING SPOUSES.**

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by inserting after section 303 the following new section:

**“SEC. 303A. MORTGAGES AND TRUST DEEDS OF CERTAIN SERVICEMEMBERS, DISABLED VETERANS, AND SURVIVING SPOUSES.**

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a covered individual that—

“(1) originated at any time and for which the covered individual is still obligated; and

“(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

“(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

“(1) is a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service;

“(2) is a veteran who retired under chapter 61 of title 10, United States Code, and has a service-connected disability or disabilities (as defined in section 101 of title 38, United States Code) rated by the Secretary of Veterans Affairs as total for purposes of compensation under chapter 11 of title 38, United States Code; or

“(3) is a surviving spouse of a servicemember who died while in military service if such spouse is the successor in interest to property covered under subsection (a).

“(c) STAY OF PROCEEDINGS.—

“(1) IN GENERAL.—In an action pending during a covered period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual, including notice to the court in accordance with paragraphs (2) and (4) of subsection (f), stay the proceedings until the end of the covered period.

“(2) OBLIGATION TO STOP PROCEEDINGS.—Upon receipt of notice provided under sub-

section (f)(1), a mortgagee, trustee, or other creditor seeking to foreclose on real property secured by an obligation described in subsection (a) using any judicial or non-judicial proceedings shall immediately stop any such proceeding until the end of the covered period.

“(d) COVERED PERIOD.—For purposes of this section, a covered period—

“(1) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service, is the period beginning on the first day on which the servicemember is or was eligible for such special pay during such period of military service and ending on the date that is one year after the last day of such period of military service;

“(2) with respect to a veteran described in subsection (b)(2), is the period beginning on the date of the veteran’s retirement under chapter 61 of title 10, United States Code, and ending on the date that is one year after the date of such retirement; and

“(3) with respect to a surviving spouse of a servicemember as described in subsection (b)(3), is the one-year period beginning on the date on which the spouse receives notice of the death of the servicemember.

“(e) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered period except if made pursuant to an agreement as provided in section 107.

“(f) NOTICE REQUIRED.—

“(1) IN GENERAL.—To be covered under this section, a covered individual shall provide to the mortgagee, trustee, or other creditor written notice that such individual is so covered.

“(2) TIME.—Notice provided under paragraph (1) shall be provided—

“(A) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay described in subsection (b)(1), anytime during the covered period described in subsection (d)(1);

“(B) with respect to a veteran described in subsection (b)(2), anytime during the covered period described in subsection (d)(2); and

“(C) with respect to a surviving spouse described in subsection (b)(3), anytime during the covered period described in subsection (d)(3).

“(3) ADDRESS.—Notice provided under paragraph (1) shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage.

“(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the hostile fire or imminent danger special pay, the service-related total disability, or the military service-related death of a spouse while in military service.

“(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).

“(g) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (e), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Mortgages and trust deeds of certain servicemembers, disabled veterans, and surviving spouses.”.

(c) CONFORMING AMENDMENT.—Section 107(d) of such Act (50 U.S.C. App. 517) is amended to read as follows:

“(d) COVERAGE PERIODS.—For purposes of this section—

“(1) in the case of a person to whom section 106 applies—

“(A) such person shall be considered to be a servicemember; and

“(B) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service; and

“(2) in the case of a covered individual described in subsection (b) of section 303A—

“(A) such individual shall be considered to be a servicemember; and

“(B) the covered period with respect to such individual specified in section 303A(d) shall be considered to be a period of military service.”.

**SEC. 1803. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL LEASES.**

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) the lease is executed by or on behalf of a servicemember who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 10, United States Code), including housing provided under the Military Housing Privatization Initiative under subchapter IV of chapter 169 of title 10, United States Code.”.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting “in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,” before “by delivery”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember’s commanding officer or other competent authority indicating that the servicemember has been assigned to or is otherwise relocating to quarters or housing described in such subparagraph, to the lessor (or the lessor’s grantee), or to the lessor’s agent (or the agent’s grantee); and”.

**SEC. 1804. MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT FOR DEFAULT JUDGMENTS AGAINST SERVICEMEMBERS.**

Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended to read as follows:

“(1) PLAINTIFF TO FILE AFFIDAVIT.—  
“(A) IN GENERAL.—In any action or proceeding covered by this section, the plaintiff, before seeking a default judgment, shall file with the court an affidavit—

“(i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the plaintiff. The affidavit shall set forth all steps taken to determine the defendant's military status.”

**SEC. 1805. INCREASE IN CIVIL PENALTIES.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and

(2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

**SEC. 1806. CLARIFICATION REGARDING APPLICATION OF ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL AND PRIVATE RIGHT OF ACTION.**

Sections 801 and 802 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597 and 597a) shall apply as if such sections were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108-189.

**SEC. 1807. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.**

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

“(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

“(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands

under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to qui tam relators shall not apply.

“(3) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 and not less frequently than once each year thereafter, the Attorney General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the issuance of civil investigative demands under this subsection during the previous one-year period.

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following for the year covered by the report:

“(i) The number of times that a civil investigative demand was issued under this subsection.

“(ii) For each civil investigative demand issued under this subsection with respect to an investigation, whether such investigation resulted in a settlement or conviction.”

(b) EFFECTIVE DATE.—Subsection (d) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) alleged to have occurred on or after such date.

**SEC. 1808. DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES.**

(a) TRANSFER OF DEFINITION.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating those paragraphs as paragraphs (10) and (11).

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 305 (50 U.S.C. App. 535), as amended by subsection (a), by striking subsection (i); and

(2) in section 705 (50 U.S.C. App. 595) by striking “or naval” both places it appears.

**TITLE XIX—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 1901. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.**

(a) ACTION FOR RELIEF.—Subsection (a) of section 4323 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and”;

(B) by striking “for such person”;

(C) by striking the fourth sentence; and

(D) by adding at the end the following: “The person on whose behalf the complaint is referred may, upon timely application, intervene in such action, and may obtain such appropriate relief as is provided in subsections (d) and (e).”;

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

“(i) if the Attorney General has made a decision to commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

“(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

“(B) If the Attorney General notifies a person that the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.”;

(3) by redesignating paragraph (3) as paragraph (4);

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

“(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights and benefits provided for under this chapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of such rights and benefits, the Attorney General may commence an action for relief under this chapter.”; and

(5) in paragraph (4), as redesignated by paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) has been notified by the Attorney General that the Attorney General does not intend to commence an action for relief under paragraph (1) with respect to the complaint under such paragraph.”.

(b) STANDING.—Subsection (f) of such section is amended to read as follows:

“(f) STANDING.—An action under this chapter may be initiated only by the Attorney General or by a person claiming rights or benefits under this chapter under subsection (a).”.

(c) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking “under subsection (a)(2)” and inserting “under paragraph (1) or (4) of subsection (a)”.

**SEC. 1902. UNENFORCEABILITY OF AGREEMENTS TO ARBITRATE DISPUTES ARISING UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.**

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 4328. Unenforceability of agreements to arbitrate disputes**

“(a) PROTECTION OF EMPLOYEE RIGHTS.—Notwithstanding any other provision of law, any provision of any agreement between an employer and an employee that requires arbitration of a dispute arising under this chapter shall not be enforceable.

“(b) EXCEPTION.—Subsection (a) shall not apply with respect to any dispute if, after such dispute arises, the parties involved knowingly and voluntarily agree to submit such dispute to arbitration.

“(c) VALIDITY AND ENFORCEMENT.—Any issue as to whether this section applies to an arbitration clause shall be determined by Federal law. Except as otherwise provided in chapter 1 of title 9, the validity or enforceability of an agreement to arbitrate referred to in subsection (a) or (b) shall be determined by a court, rather than the arbitrator, regardless of whether the party resisting arbitration challenges the agreement to arbitrate specifically or in conjunction with other terms of the agreement.

“(d) APPLICATION.—This section shall apply with respect to all contracts and agreements between an employer and an employee in



force before, on, or after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4327 the following new item:

“4328. Unenforceability of agreements to arbitrate disputes.”.

(c) APPLICATION.—The provisions of section 4328 of title 38, United States Code, as added by subsection (a), shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 1903. SUSPENSION, TERMINATION, OR DEBARMENT OF CONTRACTORS FOR REPEATED VIOLATIONS OF EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.**

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, as amended by section 1902, is further amended by adding at the end the following new section:

**“§ 4329. Suspension, termination, or debarment of contractors**

“(a) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT.—Payment under a contract awarded by a Federal executive agency may be suspended and the contract may be terminated, and the contractor who made the contract with the agency may be suspended or debarred in accordance with the requirements of this section, if the head of the agency determines that the contractor as an employer has repeatedly been convicted of failing or refusing to comply with one or more provisions of this chapter.

“(b) EFFECT OF DEBARMENT.—A contractor debarred by a final decision under this section is ineligible for award of a contract by a Federal executive agency, and for participation in a future procurement by a Federal executive agency, for a period specified in the decision, not to exceed 5 years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title, as amended by section 1902, is further amended by inserting after the item relating to section 4328, as added by section 1902, the following new item:

“4329. Suspension, termination, or debarment of contractor.”.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to carry out section 4329 of title 38, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Section 4329 of title 38, United States Code, as added by subsection (a), shall apply with respect to failures and refusals to comply with provisions of chapter 43 of such title occurring on or after the date of the enactment of this Act.

(e) ANNUAL REPORT.—Section 4332(a) of such title is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) The number of suspensions, terminations, and debarments under section 4329 of this title, disaggregated by the agency or department imposing the suspension or debarment.”.

**SEC. 1904. SUBPOENA POWER FOR SPECIAL COUNSEL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.**

Section 4324 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) In order to carry out the Special Counsel’s responsibilities under this section, the Special Counsel may require by subpoena the attendance and testimony of Federal employees and the production of documents from Federal employees and Federal executive agencies.

“(2) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), upon application by the Special Counsel, the Merit Systems Protection Board may issue an order requiring a Federal employee or Federal executive agency to comply with a subpoena of the Special Counsel.

“(3) An order issued under paragraph (2) may be enforced by the Merit Systems Protection Board in the same manner as any order issued under section 1204 of title 5.”.

**SEC. 1905. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.**

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this subchapter, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) The provisions of section 3733 of title 31 governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this subchapter;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to qui tam relators shall not apply.”.

(b) EFFECTIVE DATE.—Subsection (i) of such section, as added by subsection (a)(2), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of chapter 43 of such title alleged to have occurred on or after such date.

(c) ANNUAL REPORTS.—Section 4332(b)(2) of such title is amended—

(1) by striking “Not later than” and inserting the following:

“(A) IN GENERAL.—Not later than”; and

(2) by adding at the end the following new subparagraph:

“(B) ANNUAL SUPPLEMENT ON CIVIL INVESTIGATIVE DEMANDS.—

“(i) IN GENERAL.—The Attorney General shall include with each report submitted

under subparagraph (A) for the last quarter of each fiscal year a report on the issuance of civil investigative demands under section 4323(i) of this title during the most recently completed fiscal year.

“(ii) ELEMENTS.—Each report submitted under clause (i) shall include the following for the fiscal year covered by the report:

“(I) The number of times that a civil investigative demand was issued under section 4323(i) of this title.

“(II) For each civil investigative demand issued under such section with respect to an investigation, whether such investigation resulted in a settlement, order, or judgment.”.

**SEC. 1906. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES UNDER TITLE 5, UNITED STATES CODE.**

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

“(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.”.

**SA 3217.** Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1048. PROHIBITION ON RELOCATION OF ELECTRONIC ATTACK CAPABILITIES FROM JOINT BASE ANDREWS, MARYLAND.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Navy may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any electronic attack squadron assigned to the Navy Reserve.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the impacts of relocating Electronic Attack capabilities from Joint Base Andrews, Maryland, including a financial analysis of such a relocation and an assessment of the security impacts on the National Capital Region of such a relocation.

**SA 3218.** Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. KIRK) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 847. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

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

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

“(1) **STUDY.**—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

**SA 3219.** Mr. BURR (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_\_. VIETNAM VETERANS DAY.**

(a) **FINDINGS.**—Congress finds that—

(1) the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces, allies of the United States, and the armed forces of the Republic of Vietnam;

(2) the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

(3) members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1950;

(4) as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

(5) in 1965, United States Armed Forces ground combat units arrived in Vietnam;

(6) by September 1965, there were over 129,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

(7) on January 27, 1973, the Agreement Ending the War and Restoring Peace in Vietnam

(commonly known as the “Paris Peace Accords”) was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

(8) on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

(9) on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

(10) more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

(11) in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

(12) the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

(13) members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

(14) the establishment of a “Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War;

(15) March 29 would be an appropriate day to establish as “Vietnam Veterans Day”; and

(16) President Obama designated March 29, 2012, as Vietnam Veterans Day under Presidential Proclamation 8789 (77 Fed. Reg. 20275).

(b) **VIETNAM VETERANS DAY.**—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

**“§ 145. Vietnam Veterans Day**

“The President may issue each year a proclamation—

“(1) designating March 29 as Vietnam Veterans Day;

“(2) honoring and recognizing the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

“(3) encouraging States and local governments to establish a Vietnam Veterans Day; and

“(4) encouraging the people of the United States to observe Vietnam Veterans Day with appropriate ceremonies and activities that—

“(A) provide the appreciation veterans of the Vietnam War deserve, but did not receive upon returning home from the war;

“(B) demonstrate the resolve that never again shall the people of the United States disregard and denigrate a generation of veterans;

“(C) promote awareness of the faithful service and contributions of the veterans of the Vietnam War during military service as well as to the communities of the veterans since returning home;

“(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans in helping the veterans readjust to civilian life after military service; and

“(E) promote opportunities for veterans of the Vietnam War to assist younger veterans returning from the wars in Iraq and Afghani-

stan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.”.

(c) **CONFORMING AMENDMENT.**—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following:

“145. Vietnam Veterans Day.”.

**SA 3220.** Mr. WICKER (for himself, Mr. LIEBERMAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.**

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

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for

Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

**SA 3221.** Mr. BOOZMAN (for himself, Mr. RUBIO, Mr. PRYOR, Mrs. GILLIBRAND, Mr. BEGICH, and Mr. CASEY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES OF VETERANS.**

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the three-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations in not less than three and not more than five States selected by the Secretary.

(b) SELECTION OF LOCATIONS.—In selecting States in which to carry out the training under subsection (a), the Secretary shall select the States with the highest rates of veteran unemployment. The Secretary shall provide such training to veterans at a sufficient number of locations within the selected States to meet the need. The Secretary shall select such locations to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(c) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) INTEGRATING SUBJECT MATTER EXPERTS.—The Secretary of Labor shall include in any contract entered into pursuant to section 1144 of title 10, United States Code, or section 4113 of title 38, United States Code, a requirement to include experts in subject matters relating to human resources prac-

tices, including resume writing, interviewing and job searching skills, and the provision of information about post-secondary education.

(f) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(g) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the three-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility of carrying out off-base transition training at locations nationwide.

**SA 3222.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

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

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that's the process that we're going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department's plans and activities.”.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation's networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in

the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

**SA 3223.** Mr. DURBIN (for himself, Mr. ENZI, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. JOHNSON of South Dakota, Mr. PRYOR, Mr. BOOZMAN, Mr. BLUNT, Mr. AKAKA, Mr. CARDIN, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle —Marketplace Fairness**

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the “Marketplace Fairness Act”.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted,

(2) States should have the right to collect—or decide not to collect—taxes that are already owed under State law, and

(3) States should simplify their sales and use tax systems to ease burdens on remote sellers.

**SEC. 3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.**

(a) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the

Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning on the date that the State publishes notice of the State's intent to exercise the authority under this subtitle, but no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) ALTERNATIVE.—

(1) IN GENERAL.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to exercise the authority granted by this subtitle and to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, including return processing and audits for remote sales sourced to the State,

(ii) a single audit of remote sellers for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the single entity within the State.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Source all interstate sales in compliance with the sourcing regime set forth in section 6(8).

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated providers that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of an error or omission made by a single or consolidated provider.

(F) Relieve single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a seller.

(G) Relieve remote sellers and single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of information provided by the State or locality.

(H) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by the State or any locality in the State.

(2) TREATMENT OF LOCAL RATE CHANGES.—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(H) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) SMALL SELLER EXCEPTION.—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect sales or use tax under this subtitle if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding \$500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

SEC. 4. TERMINATION OF AUTHORITY.

The authority granted to a State by this subtitle shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this subtitle, and the determination of such court is no longer subject to appeal.

SEC. 5. LIMITATIONS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as—

(1) subjecting a seller or any other person to franchise, income, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—No obligation imposed by virtue of the authority granted by this subtitle shall be considered in determining whether a seller or any other person has a nexus with any State for any purpose other than sales and use taxes.

(c) LICENSING AND REGULATORY REQUIREMENTS.—Other than the limitation set forth in subsection (a), and section 3, nothing in this subtitle shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) NO NEW TAXES.—Nothing in this subtitle shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.—Nothing in this subtitle shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

(f) INTRASTATE SALES.—The provisions of this subtitle shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

SEC. 6. DEFINITIONS AND SPECIAL RULES.

In this subtitle:

(1) CONSOLIDATED PROVIDER.—The term “consolidated provider” means any person

certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) LOCALITY; LOCAL.—The terms “locality” and “local” refer to any political subdivision of a State.

(3) MEMBER STATE.—The term “Member State”—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term “person” means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term “remote sale” means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) REMOTE SELLER.—The term “remote seller” means a person that makes remote sales in a State.

(7) SINGLE PROVIDER.—The term “single provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) SOURCED.—For purposes of a State granted authority under section 3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term “Streamlined Sales and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. 7. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3224. Mr. WYDEN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 505. CERTAIN DUTY REQUIRED AS CONDITION OF PROMOTION OF ARMY AND AIR FORCE OFFICERS TO BRIGADIER GENERAL.**

(a) IN GENERAL.—Chapter 36 of title 10, is amended by inserting after section 619a the following new section:

**“§ 619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general**

“(a) GUARD OR RESERVE DUTY REQUIRED FOR OFFICERS ON ACTIVE-DUTY LIST.—After the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an officer on the active-duty list of the Army or Air Force may not be appointed to the grade of brigadier general unless the officer has completed a tour of duty of at least one year in a Guard or Reserve duty assignment.

“(b) ACTIVE DUTY REQUIRED FOR RESERVE OFFICERS.—After the end of the one-year period beginning on the date of the enactment of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, a Reserve officer of the Army or Air Force may not be appointed to the grade of brigadier general unless the officer has completed an aggregate of at least one year on active duty in the armed forces (other than for training).

“(c) EXCEPTIONS.—Subject to subsection (d), the Secretary of Defense may waive subsection (a) or (b) in the following circumstances:

“(1) When necessary for the good of the service.

“(2) In the case of—

“(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

“(B) a chaplain; or

“(C) a judge advocate.

“(3) With respect to subsection (a), in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

“(4) With respect to subsection (a), in the case of an officer selected by a promotion board for appointment to the grade of brigadier general while serving in a Guard or Reserve duty assignment if at least 180 days of that assignment have been completed on the date of the convening of that selection board.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (c)(3) those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

“(e) GUARD OR RESERVE DUTY ASSIGNMENT DEFINED.—In this section, the term ‘Guard or Reserve duty assignment’ means an assignment involving the organizing, administering, recruiting, instructing, or training the reserve components, preferably in an assignment maximizing exposure to the unique capabilities of the National Guard and Re-

serve, other than an assignment to a Reserve Officers Training Corps unit.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by inserting after the item relating to section 619a the following new item:

“619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general.”.

**SA 3225.** Mr. WYDEN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 561. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.

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

(A) Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training by October 1, 2015.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development timelines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential effect of transitioning to human based-training methods on the quality of medical care delivered on the battlefield including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

(b) UPDATED ANNUAL REPORTS.—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

(c) DEFINITIONS.—In this section:

(1) The term “combat trauma injuries” means severe injuries likely to occur during combat, including—

(A) extremity hemorrhage;

(B) tension pneumothorax;

(C) amputation resulting from blast injury;

(D) compromises to the airway; and

(E) other injuries.

(2) The term “human-based training methods” means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

(A) simulators;

(B) partial task trainers;

**SA 3226.** Mr. BENNET submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

**SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act; or

(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210.

“(3) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(C) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

“(c) AUTHORITY FOR PROGRAM.—In accordance with section 561(a) of division A of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Defense shall have the responsibility and authority for operation and administration of the program under this chapter. All references to the term ‘Secretary’ with respect to the Troops-to-Teachers Program under this chapter shall be deemed to refer to the Secretary of Defense, notwithstanding section 9101(39), except as provided in section 2301(8) or as otherwise specified.”.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section

shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect beginning on the date upon which the transfer of authority and responsibility for operation and administration of the Troops-to-Teachers Program takes effect, in accordance with subsection (a)(3).

**SA 3227.** Mr. CONRAD submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS’ HISTORY PROJECT OF AMERICAN FOLK LIFE CENTER.**

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans’ Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ‘veterans service organization’ means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SA 3228.** Mr. BAUCUS (for himself, Mr. SANDERS, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1005. FUNDING FOR OPERATION ENDURING FREEDOM AFTER DECEMBER 31, 2014.**

Amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations may not be available after December 31, 2014, for Operation Enduring Freedom or any successor military activities in a country in which Operation Enduring Freedom is or has been conducted as of that date.

**SA 3229.** Mr. UDALL of Colorado (for himself, Mrs. FEINSTEIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 314. TERMS APPLICABLE TO LEASES FOR PLACEMENT OF SOLAR, WIND, AND BIOMASS ENERGY PRODUCTION FACILITIES ON WITHDRAWN LANDS.**

(a) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands

“(a) TERM OF LEASE.—In entering into a lease pursuant to section 2667 for the placement of a solar, wind, or biomass energy production facility on public lands withdrawn for defense-related uses, the Secretary concerned may enter into such a lease without regard to any provision of law limiting the uses or term of withdrawal of such withdrawn public lands, provided that the Secretary has obtained the prior approval of the



Secretary of the Interior of the proposed lease. The Secretary concerned may enter into such a lease and the Secretary of the Interior may approve such a lease notwithstanding any limitation contained in any withdrawal by Executive Order, Public Land Order, or Act of Congress. Any such lease entered into by the Department of Defense for the development, production or generation of a renewable energy or electricity facility shall not require the Department to buy energy or electricity from such facility or increase the Department's outlays for energy costs of military installations or facilities in subsequent years.

“(b) TRANSFERS OF CONSIDERATION.—Notwithstanding section 2215 of this title, for any energy production facility subject to a lease covered by subsection (a) from which the Department of Defense does not consume the entire energy output, the Secretary concerned shall transfer to the Secretary of the Interior—

“(1) from the net revenue provided to the Secretary under such a lease, funds covering the costs of the Department of the Interior in approving the lease;

“(2) 25 percent of the remaining revenue, to be available for the Secretary of the Interior for expenditure, without further appropriation, for management of Federal lands and addressing and offsetting impacts of the energy production facility, including lands withdrawn for defense-related uses; and

“(3) 25 percent of the remaining revenue to be deposited into a fund established in the Treasury, to be available for the Secretary of the Interior for expenditure without further appropriation and without fiscal year limitation, for fish and wildlife habitat conservation on Federal lands and securing recreational access to Federal land.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands.”.

**SA 3230.** Mrs. BOXER (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the 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; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a

comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking

“October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

**SA 3231.** Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, Mr. COONS, Mr. BROWN of Ohio, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) BLOCKING OF ASSETS.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 3232.** Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LIEBERMAN, Mr. SCHUMER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle E—Iran Sanctions**

**SEC. 1251. SHORT TITLE.**

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

**SEC. 1252. DEFINITIONS.**

(1) IN GENERAL.—In this subtitle:

(A) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) COAL.—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term “medical device” has the meaning given the term “de-

vice” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

**SEC. 1253. DECLARATION OF POLICY ON HUMAN RIGHTS.**

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

**SEC. 1254. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**

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

(1) Iran’s energy, shipping, and shipbuilding sectors and Iran’s ports are facilitating the Government of Iran’s nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the “IAEA”) has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran’s nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the “potential connection between Iran’s revenues derived from its energy sector and the funding of Iran’s proliferation sensitive nuclear activities”.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran’s nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran’s support for international terrorism; or

(C) Iran’s abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and

prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) **GOODS AND SERVICES DESCRIBED.**—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **EXPORTATION.**—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) **FINANCIAL TRANSACTIONS.**—

(i) **IN GENERAL.**—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—

(1) **SALE, SUPPLY, OR TRANSFER.**—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) **FINANCIAL TRANSACTIONS.**—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1255. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.**

(a) **SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.**—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) **FACILITATION OF CERTAIN TRANSACTIONS.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) **MATERIALS DESCRIBED.**—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) **DETERMINATION WITH RESPECT TO USE OF MATERIALS.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) **EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) **NATIONAL BALANCE SHEET OF IRAN DEFINED.**—For purposes of this section, the term "national balance sheet of Iran" refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1256. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section

6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Non-proliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

**SEC. 1257. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) **IN GENERAL.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **IN GENERAL.**—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution

for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1258. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**

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

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) **INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of

the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

**SEC. 1259. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

**“SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

“(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

“(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

“(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

“(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

“(B) the misappropriation of proceeds from the sale or resale of such goods.

“(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking “or 105B(a)” and inserting “105B(a), or 105C(a)”;

(2) by striking “or 105B(b)” and inserting “105B(b), or 105C(b)”.

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.

**SEC. 1260. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

“(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and”.

**SEC. 1261. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “4 years” and inserting “10 years”; and

(2) in subsection (b), by striking “4-year period” and inserting “10-year period”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

**SEC. 1262. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

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

**SEC. 1263. IMPLEMENTATION; PENALTIES.**

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

**SEC. 1264. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

**SEC. 1265. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

**SA 3233.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amend-

ment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

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

(A) A description of the Department’s approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counterIED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3234.** Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mr. TOOMEY, and Ms.

MIKULSKI) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the inci-

dence of such factors or their contributions to sexual assaults.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**SA 3235.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.**

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

**SA 3236.** Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

**SA 3237.** Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.



“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Fi-

nance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SA 3238.** Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**SA 3239.** Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. SESSIONS, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOYTE, Ms. COLLINS, Mr. CORKER, and Mr. VITTER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.**

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

**SA 3240.** Mr. CARPER (for himself, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COBURN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**Subtitle I—Federal Real Property Asset Management Reform**

**SECTION 1091. SHORT TITLE.**

This subtitle may be cited as the “Federal Real Property Asset Management Reform Act of 2012”.

**SEC. 1092. TABLE OF CONTENTS.**

The table of contents of this subtitle is as follows:

Sec. 1091. Short title.

Sec. 1092. Table of contents.

Sec. 1093. Expedited disposal of real property.

Sec. 1094. Property management policy.

Sec. 1095. Consideration of life-cycle cost required.

**SEC. 1093. EXPEDITED DISPOSAL OF REAL PROPERTY.**

Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(2) COUNCIL.—The term ‘Council’ means the Federal Real Property Council established by section 623(a).

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(4) DISPOSAL.—The term ‘disposal’ means any action that constitutes the removal of

any real property from the Federal inventory, including sale, deed, demolition, or exchange.

“(5) FEDERAL AGENCY.—The term ‘Federal agency’ means—

“(A) an executive department or independent establishment in the executive branch of the Government; and

“(B) a wholly owned Government corporation.

“(6) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means any Federal real property asset.

“(B) INCLUSIONS.—The term ‘real property’ includes—

“(i) Federal buildings (as defined in section 3301); and

“(ii) occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

“(C) EXCLUSIONS.—The terms ‘real property’ does not include—

“(i) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101-510));

“(ii) any property that is excepted from the definition of the term ‘property’ under section 102;

“(iii) a designated wilderness study area or other areas managed for wilderness characteristics;

“(iv) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

“(v) property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

“(vi) postal property owned by the United States Postal Service; or

“(vii) any property the Director excludes for reasons of national security.

“(7) FIELD OFFICE.—The term ‘field office’ means any office of a Federal agency that is not the headquarters office location for the Federal agency.

“(8) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

“(9) UNDERUTILIZED PROPERTY.—The term ‘underutilized property’ means any real property that is—

“(A) excess;

“(B) surplus;

“(C) underperforming; or

“(D) otherwise not meeting the needs of the Federal Government, as determined by the Director.

#### “§ 622. Duties of Federal agencies

“Each Federal agency shall—

“(1) maintain adequate inventory controls and accountability systems for real property under the control of the agency;

“(2) define current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

“(3) continuously survey real property under the control of the agency to identify underutilized property;

“(4) promptly report underutilized property to the Administrator;

“(5) establish goals that lead the agency to reduce underutilized property in the inventory of the agency not later than December 31, 2016;

“(6) reassign underutilized property to another activity within the agency if the property is no longer required for purposes of the appropriation used to make the purchase;

“(7) transfer underutilized property under the control of the agency to other Federal agencies and to organizations specified in section 321(c)(2);

“(8) obtain underutilized properties from other Federal agencies to meet mission needs before acquiring non-Federal property; and

“(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets.

#### “§ 623. Establishment of a Federal Real Property Council

“(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

“(b) PURPOSE.—The purpose of the Council shall be to develop guidance for the asset management program of each Federal agency.

“(c) COMPOSITION.—

“(1) IN GENERAL.—The Council shall be composed exclusively of—

“(A) the senior real property officers of each executive agency;

“(B) the Deputy Director for Management of the Office of Management and Budget;

“(C) the Controller of the Office of Management and Budget;

“(D) the Administrator; and

“(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

“(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

“(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

“(d) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

“(1) establish an asset management plan, to be updated annually, which shall include performance measures to determine the effectiveness of real property management that are designed—

“(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a government-wide basis; and

“(B) allow for comparison of the performance of Federal agencies against industry and other public sector agencies in terms of performance;

“(2) develop standard use rates consistent throughout each category of space and with nongovernmental space use rates;

“(3) not later than 180 days after the date of enactment of this subchapter, and annually for a 5-year period thereafter, submit to the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a report that contains—

“(A) an analysis of the existing inventory of real property and the condition of that property, including data relating to—

“(i) the age and condition of the property;

“(ii) the size on the property in square footage and acreage;

“(iii) the geographical location of the property, including an address and description;

“(iv) operating costs associated with the property;

“(v) the history of capital expenditures associated with the property;

“(vi) sustainability metrics associated with the property;

“(vii) the number of Federal employees and functions housed in the property; and

“(viii) the relevance of each property to the mission of the Federal agency;

“(B) a list of real property assets that are field offices that are suitable for co-location into another real property asset;

“(C) an evaluation of the leasing process in effect as of the date of submission of the report to identify and document inefficiencies in that process;

“(D) a suggested strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly; and

“(E) an assessment of federally leased space, including—

“(i) a description of the overall quantity and type of space leased by Federal agencies; and

“(ii) an identification of current contracts for leased office space in which the leased space is not fully used or occupied (including a plan for subletting of unoccupied space if appropriate);

“(F) an analysis of all underutilized property under the jurisdiction of each Federal agency that can be removed from the Federal inventory and sold for proceeds, transferred, or otherwise disposed of, so as to reduce the civilian real property inventory and associated operating costs of the Federal Government;

“(G) an asset disposal plan, or an update of an asset disposal plan, that includes an annual goal established under section 622(5) to be used by Federal agencies in reducing, by not later than 5 years after the date of enactment of this subchapter, underutilized property in the inventory of the Federal Government;

“(H) the number of real property disposals completed, including the disposal method used for each individual real property; and

“(I) specific milestones, measurable savings, and evaluation criteria for the disposal of real property under this subchapter;

“(4) in accordance with subsection (e), identify and compile a list of real property assets that are field offices that are suitable for co-location into other real property assets; and

“(5)(A) review contracts for leased office space that are in effect as of the date of submission of the report; and

“(B) work with Federal agencies to renegotiate leases having at least 2 years remaining in the term of the leases to recognize potential cost savings as quickly as practicable.

“(e) CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.—

“(1) DEFINITION OF POSTAL PROPERTY.—In this subsection, the term ‘Postal property’ means any building owned by the United States Postal Service.

“(2) IDENTIFICATION OF REAL PROPERTY ASSETS.—Each year, the Council shall—

“(A) identify and compile a list of field offices that are suitable for co-location with another real property asset; and

“(B) submit the list to the Director of the Office of Management and Budget and the Postmaster General.

“(3) POSTAL PROPERTY.—

“(A) IN GENERAL.—Not later than 30 days after the completion of the list under paragraph (2), the Director of the Office of Management and Budget, in collaboration with the Postmaster General, shall identify field offices on the list that are within reasonable distance of a Postal property.

“(B) REASONABLE DISTANCE.—For purposes of this paragraph, a field office shall be considered within reasonable distance of a Postal property if the office would be able to fulfill the mission of the office if the office is located at the Postal property.

“(C) REVIEW BY POSTAL SERVICE.—Not later than 90 days after the receipt of the list submitted under paragraph (3)(B), the Postmaster General shall—

“(i) review the list; and

“(ii) submit to the Director of the Office of Management and Budget a report containing the conclusions of the review.

“(4) TERMS OF CO-LOCATION.—On approval of the recommendations under paragraph (4) by the Postmaster General and the applicable agency head, the co-location of a Postal property and an field office shall consist of the Executive agency that owns or leases the field office entering into a lease for space within the Postal property with United States Postal Service that has—

“(A) an initial lease term of not less than 5 years;

“(B) a cost that is within 5 percent of the prevailing market lease rate for a similarly situated space identified under this subsection.”.

#### SEC. 1094. PROPERTY MANAGEMENT POLICY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code (as amended by title I) is amended by adding at the end the following:

##### “§ 624. Database

“The Administrator shall—

“(1) not later than 1 year after the date of enactment of this subchapter, establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all Federal branch agencies, except when otherwise required for reasons of national security;

“(2) collect from each Federal agency such descriptive information (except for classified information) as the Administrator determines will best describe the nature, use, and extent of real property holdings for the Federal Government; and

“(3) to the extent consistent with national security, make the database established under paragraph (1) accessible to the public at no cost through the website of the General Services Administration.

##### “§ 625. Limitation on certain leasing authorities

“Notwithstanding any other provision of this subchapter, a Federal agency with independent leasing authority shall—

“(1) consult with the Administrator for all leases requiring a prospectus under section 3307;

“(2) acquire space at rates consistent with prevailing market rates for comparable facilities within the specified geographical area; and

“(3) not later than 180 days after the date of enactment of this subchapter and annually thereafter, submit to the Administrator a report that describes the use of the independent leasing authority during the period covered by the report.

##### “§ 626. Expedited disposal program

“(a) IN GENERAL.—

“(1) REQUIRED DISPOSAL.—

“(A) IN GENERAL.—On an annual basis, the Director shall require Federal agencies to dispose of, by sale, transfer, or other means of disposal, any real property determined by the Director to be underutilized property.

“(B) COSTS ASSOCIATED WITH DISPOSAL.—

“(i) IN GENERAL.—The Administrator may obligate an amount to pay any direct and indirect costs under section 572 related to identifying and preparing properties to be reported as excess by a Federal agency.

“(ii) REIMBURSEMENT.—An amount obligated under clause (i) shall be paid from the proceeds of any sale of underutilized property.

“(iii) NET PROCEEDS.—Net proceeds shall be distributed under subsection (b).

“(C) MAXIMUM NET PROCEEDS.—Underutilized property required to be disposed of by sale of under subparagraph (A) shall be sold at an auction that, as determined by the Administrator in consultation with the head of

the applicable Federal agency, is structured and marketed to ensure the maximum amount of net proceeds.

“(D) MONETARY PROCEEDS REQUIREMENT.—

“(i) IN GENERAL.—Underutilized property may be sold under this section only if disposal of the property will generate monetary proceeds to the Federal Government that exceed the costs of disposal of the property.

“(ii) PROHIBITIONS ON NONCASH TRANSACTIONS.—A disposal of underutilized property under this section may not include any exchange, trade, transfer, acquisition of the like-kind property, or other noncash transaction as part of the disposal.

“(2) APPLICABILITY OF CERTAIN LAW.—Any expedited disposal of underutilized property conducted under this section shall not be subject to—

“(A) any section of An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes (16 U.S.C. 667b);

“(B) sections 107 and 317 of title 23;

“(C) sections 545(b)(8), 550, 553, 554, and 1304(b) of this title;

“(D) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

“(E) section 47151 of title 49;

“(F) section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d));

“(G) any other provision of law authorizing the conveyance of real property owned by the Federal Government for no consideration; or

“(H) any congressional notification requirement other than that in section 545 of this title.

“(b) USE OF PROCEEDS.—

“(1) IN GENERAL.—Of the proceeds received from the disposal of any real property under this subchapter—

“(A) not less than 80 percent shall be returned to the general fund of the Treasury for debt reduction;

“(B) the lesser of 18 percent or the share of proceeds otherwise authorized to be retained under law shall be retained by Federal agencies, subject to paragraph (2);

“(C) not more than 2 percent shall be made available to carry out section 627, subject to annual appropriations; and

“(D) any remaining share of the proceeds shall be returned to the general fund of the Treasury for Federal budget deficit reduction.

“(2) LIMITATION ON USE OF PROCEEDS.—Any proceeds retained by Federal agencies under this section shall be—

“(A) deposited into the appropriate real property account of the agency that had custody and accountability for the underutilized property, with the funds expended only as authorized in annual appropriations Acts;

“(B) used—

“(i) by not later than 1 year after the date of disposal of the real property; and

“(ii) only for activities relating to Federal real property asset management and disposal; and

“(C) if not used by the date described in subparagraph (A)(i), shall be deposited in the Treasury and used for Federal budget deficit reduction.

“(c) PUBLIC BENEFIT.—

“(1) CONVEYANCE.—If an underutilized property has not been disposed of by the date that is 2 years after the date the property is listed for sale, the Director, in consultation with the Administrator and the Secretary of Housing and Urban Development, may consider a request from the disposing agency that the underutilized property be conveyed to State and local governments or nonprofit organizations for various public purposes or uses as permitted by applicable law.

“(2) PREDOMINANT USE AND SIZE STANDARDS.—

“(A) IN GENERAL.—Underutilized property the predominant use of which is other than housing, and the area of which is equal to or greater than 25,000 square feet or the appraised fair market value of which exceeds \$2,000,000, shall be considered to be unsuitable for disposal under this subsection.

“(B) APPRAISED FAIR MARKET VALUE.—The appraised fair market value described in subparagraph (A) shall be determined by the Federal agency with custody or control of the property, in consultation with the Administrator and standard appraisal practice.

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) INCREASE IN SIZE OF INVENTORY.—Except as provided in subparagraph (B) and paragraph (2) and , if a Federal agency fails to make available for public sale the underutilized properties described in subsection (a) by the date that is 18 months after the date of a determination by the Director under subsection (a), that Federal agency, except for specific exceptions promulgated by the Director, shall not increase the size of the civilian real property inventory, unless the square footage of the increase is offset, within an appropriate time as determined by the Director, through consolidation, colocation, or disposal of another building space from the inventory of that agency.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a Federal agency that acquires any real property not under the administrative jurisdiction of the Federal Government, by sale or lease, until the Director submits a certification to Congress of the disposal of all of those surplus real properties.

“(2) WAIVER.—Paragraph (1) shall not apply to a Federal agency if—

“(A) the Federal agency submits to the Director and the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a written justification describing—

“(i) the reasons why the surplus real properties described in subsection (a) under the jurisdiction of the Federal agency were not disposed of; or

“(ii) why the restriction on growth without an identified offset obstructs the performance of a mission-critical function; and

“(B) Congress enacts a law approving the waiver.

“(3) OMB SCORECARD.—

“(A) IN GENERAL.—The Director shall prepare an annual scorecard measuring the success of each Federal agency in achieving savings under this subchapter.

“(B) GOVERNMENT-WIDE SAVINGS.—The Director shall use the scorecard described in subparagraph (A) to determine whether the sum of the savings of each agency is at least \$15,000,000,000 over a 10-year period.

“(4) REPORT.—Not later than 1 year after the date of enactment of this subchapter and once for every 5-year period thereafter, the Council shall submit to the Director a report listing each Federal agency that fails to meet the applicable underutilized property reduction goal established under section 622(5), along with a list of the remaining underutilized properties of the Federal agency.

“(e) TERMINATION OF AUTHORITY.—The authority provided by this section terminates on the date that is 5 years after the date of enactment of this subchapter.

##### “§ 627. Homeless assistance grants

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE NONPROFIT ORGANIZATION.—The term ‘eligible nonprofit organization’ means a nonprofit organization that is a representative of the homeless.

“(2) HOMELESS.—The term ‘homeless’ has the meaning given the term in section 103 of

the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), except that subsection (c) of that section shall not apply.

“(3) PERMANENT HOUSING.—The term ‘permanent housing’ has the meaning given the term section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(4) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(5) REPRESENTATIVE OF THE HOMELESS.—The term ‘representative of the homeless’ has the meaning given the term in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(7) TRANSITIONAL HOUSING.—The term ‘transitional housing’ has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—To the extent amounts are made available under section 626 for use under this section, the Secretary shall make grants to eligible private nonprofit organizations through the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.), to purchase property suitable for use to assist the homeless in accordance with subsection (c).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this section, a grant under this section shall be subject to the same terms and conditions as a grant under the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

“(c) USE OF PROPERTIES FOR HOUSING OR SHELTER FOR THE HOMELESS.—

“(1) ELIGIBLE USES.—An eligible private nonprofit organization that receives a grant under subsection (b) shall use the amounts received only to purchase or rehabilitate real property for use to provide permanent housing, transitional housing, or temporary shelter to the homeless.

“(2) TERM OF USE.—The Secretary may not make a grant under subsection (b) to an eligible private nonprofit organization unless the eligible private nonprofit organization provides to the Secretary such assurances as the Secretary determines necessary to ensure that any property purchased or rehabilitated using amounts received under the grant is used only for the uses described in paragraph (1) for a period of not less than 15 years.

“(d) PREFERENCE.—In awarding grants under subsection (b), the Secretary shall give preference to eligible private nonprofit organizations that operate within areas in which Federal real property is being sold under the disposal program authorized under section 626.

“(e) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to carry out this section.”

(b) REPORT OF THE COMPTROLLER GENERAL.—Not later than 5 years after the date of enactment of this subtitle, the Comptroller General of the United States shall submit to Congress a report on the use by executive agencies of the authorities provided by this subtitle and amendments made by this subtitle.

#### SEC. 1095. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.

(a) IN GENERAL.—Section 3305 of title 40, United States Code, is amended by adding at the end the following:

“(d) CONSIDERATION OF LIFE-CYCLE COST REQUIRED.—

“(1) DEFINITIONS.—In this subsection:

“(A) LIFE-CYCLE COST.—The term ‘life-cycle cost’ means the sum of the following costs, as estimated for the lifetime of a building:

- “(i) Investment costs.
- “(ii) Capital costs.
- “(iii) Installation costs.
- “(iv) Energy costs.
- “(v) Operating costs.
- “(vi) Maintenance costs.
- “(vii) Replacement costs.

“(B) LIFETIME OF A BUILDING.—The term ‘lifetime of a real property asset’ means, with respect to an asset, the greater of—

- “(i) the period of time during which the asset is projected to be used; or
- “(ii) 50 years.

“(2) REQUIREMENT.—The Council shall ensure that the life-cycle cost of a real property asset is considered in the construction or lease of a real property asset described in paragraph (3).

“(3) FEDERAL PUBLIC BUILDINGS SUBJECT TO REQUIREMENT.—A real property asset shall be subject to the requirement under paragraph (2) if—

“(A) construction or lease of the asset begins after the date on which the Council is established;

“(B) the estimated construction costs of the asset exceed \$1,000,000;

“(C) in the case of a lease, the square footage of the asset is more than 25,000 square feet; and

“(D) Federal funding comprises more than 50 percent of the funding for the estimated construction or lease costs of the asset.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“621. Definitions.

“622. Duties of Federal agencies.

“623. Establishment of a Federal Real Property Council.

“624. Database.

“625. Limitation on certain leasing authorities.

“626. Expedited disposal program.

“627. Homeless assistance grants.”

**SA 3241.** Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, insert the following:

#### Subtitle —GAO Mandates Revision Act SEC. 01. SHORT TITLE.

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

#### SEC. 02. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Adminis-

tration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”

(b) JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter;” and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted.”

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”;

(2) in paragraph (1), by striking “(1)”; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date.”

**SA 3242.** Mr. CARPER (for himself, Mr. BROWN of Massachusetts, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, insert the following:

**Subtitle —Improper Payments Elimination and Recovery Improvement Act**

**SEC. 01. SHORT TITLE.**

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

**SEC. 02. DEFINITIONS.**

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 03(a)(1) of this subtitle.

**SEC. 03. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)”;

and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)”;

and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c)”;

and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d)”.

**SEC. 04. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013

as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 05. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of In-

spectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section

205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### SEC. 06. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

**SA 3243.** Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the 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; as follows:

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

#### SEC. 1221. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

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

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of



lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191-7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67-13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

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

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy

personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan’s international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

**SA 3244.** Mr. REID submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.**

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

**SA 3245.** Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. CHAMBLISS, Mr. INHOFE, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense ac-

tivities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 3246.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or

loss of controlled substances delivered under such programs.

**SA 3247.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNES, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. TRANSFER OF EXCESS AIRCRAFT FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture for use by the Forest Service for wildfire suppression purposes. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service as a suitable platform for wildfire suppression missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, subject to title XVII, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture shall be afforded a priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

**SA 3248.** Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 3122. RENEWABLE ENERGY.**

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.

**SA 3249.** Mr. BEGICH submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. STRATEGIC SEAPORTS.**

(a) REQUIREMENT TO CONSULT AND COOPERATE.—The Secretary of Defense and the Administrator of the Maritime Administration shall consult and cooperate to develop methods to improve the utilization by the Department of Defense and the Maritime Administration of the port infrastructure development program created by section 50302(c) of title 46, United States Code, for the improvement of strategic seaports.

(b) STRATEGIC SEAPORT DEFINED.—In this section, the term “strategic seaport” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo capacity of the Department of Defense.

(c) AUTHORITY TO ACCEPT FINANCIAL ASSISTANCE.—Subparagraph (D) of section 50302(c)(2) of title 46, United States Code, is amended by striking “assistance” and inserting “and financial assistance, including grants.”.

**SA 3250.** Mr. KOHL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 344. ASSISTANCE FOR CIVIL SUPPORT MISSION TRAINING.**

(a) ASSISTANCE AUTHORIZED.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 510. Training assistance**

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units performing civil support activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center.

“(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“510. Training assistance.”.

**SA 3251.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 943. NATIONAL INSTITUTE FOR CYBER SECURITY EDUCATION AND TRAINING.**

(a) IN GENERAL.—The Secretary of Defense shall establish an institute to be known as the “National Institute for Cyber Security Education and Training” (in this section referred to as the “Institute”). The Institute shall not be an element of the Department of Defense.

(b) DIRECTOR.—The head of the Institute shall be the Director of the National Institute for Cyber Security Education and Training who shall be appointed by the Secretary of Defense from among qualified personnel of the Federal Government. If the person appointed Director of the National Institute for Cyber Security Education and Training is an officer or employee of a department or agency of the Federal Government other than the Department of Defense, the appointment shall be made with the concurrence of the head of such department or agency.

(c) PURPOSE.—The purpose of the Institute shall be to provide advanced cyber-security training for the following:

(1) Employees of the Federal Government engaged in cyber-security matters.

(2) Employees of private sector who are engaged in programs and activities with the Federal Government that require an expertise in cyber-security matters.

(d) ELEMENTS OF TRAINING.—The training provided by the Institute shall include the following:

(1) Expert instruction in cyber-security matters, including virtualized network environments that can adaptively model and simulate required training to familiarize and prepare cyber security personnel for the challenges posed by the cyber battlespace.

(2) Such other training, instruction, and educational components as the Secretary considers appropriate.

(e) **STEM EDUCATIONAL COMPONENTS.**—In addition to the training provided by the Institute, the Institute shall also develop and disseminate educational components on cyber-security themes and matters involving science, technology, engineering, and mathematics (STEM) that are suitable for elementary and secondary education purposes and for higher education purposes.

(f) **PERSONNEL AND OTHER RESOURCES.**—The Secretary shall provide the Institute such personnel and other resources as the Secretary considers appropriate for discharge by the Institute of its activities under this section.

(g) **FUNDING.**—Amounts authorized to be appropriated for the Department of Defense for operation and maintenance shall be available for the Institute for the discharge by the Institute of its activities under this section.

(h) **PLAN FOR ESTABLISHMENT.**—Not later than June 30, 2013, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the establishment of the Institute. The plan shall include a proposed structure of the Institute, a proposal for the intended activities of the Institute, and a schedule for selecting the location of the Institute within the United States.

**SA 3252.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. NO REGULATION UNDER THE TOXIC SUBSTANCES CONTROL ACT OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.**

(a) **NO REGULATION OF AMMUNITION OR FISHING TACKLE.**—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) **STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.**—

(1) **IN GENERAL.**—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) **USE.**—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the sub-

stance or mixture is used in ammunition or fishing tackle.

**SA 3253.** Mr. WICKER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1015. ADDITIONAL SUPPORT FOR COUNTERDRUG TRAINING ACTIVITIES.**

(a) **SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**—During fiscal years 2013 through 2019, the Secretary of Defense may provide support for the counterdrug activities of any State or local law enforcement agency for counterdrug-related training of law enforcement personnel, including funding for the following:

(1) The continued operation and maintenance of training facilities for the purpose of facilitating counterdrug activities of any Federal, State, local, or tribal law enforcement agency within or outside the United States.

(2) Associated support expenses for trainees and the provision of materials necessary to carry out such training, if such support is requested by the appropriate official of a State or local government.

(b) **CONDUCT OF TRAINING OR OPERATIONS TO AID CIVILIAN AGENCIES.**—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations for the purpose of aiding civilian law enforcement agencies.

(c) **PROHIBITION ON LIMITATION OF SUPPORT.**—In providing support pursuant to subsection (a), the Secretary may not limit the requirements for which support may be provided only to critical, emergent, or unanticipated requirements.

**SA 3254.** Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, mag-

istrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

(c) **APPLICABILITY.**—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

**SA 3255.** Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.**

(a) **IN GENERAL.**—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph (A): “(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, \$5;

“(II) in the case of formulary agents, \$17; and

“(III) in the case of nonformulary agents, \$44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, \$0;

“(II) in the case of formulary agents, \$13; and

“(III) in the case of nonformulary agents, \$43.”; and

(2) by adding at the end the following new subparagraph:

“(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

“(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than \$1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and

made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(iii) The provisions of this subparagraph shall not apply to any increase in cost-sharing amounts described in clause (i) that is made by the Secretary of Defense on or after October 1, 2022. The Secretary may increase copayments, as considered appropriate by the Secretary, beginning on October 1, 2022.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)(1)), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

**SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program—

(A) are—

(i) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(ii) obtained by refill through the national mail order pharmacy program; or

(B) are both available for an initial filling or obtained by refill at a military medical treatment facility.

(3) NO DENIAL.—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) WAIVER.—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on

the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term “TRICARE for Life beneficiary” means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

**SA 3256.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the 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; as follows:

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

**SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate

joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

**SA 3257.** Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 132. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.**

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to four heavy duty polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment

under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) **MEMORANDUM OF AGREEMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Navy, in concurrence with the Coast Guard, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling Navy and Coast Guard mission requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the Navy to the Coast Guard to be maintained and operated by the Coast Guard.

**SA 3258.** Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.**

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

**SA 3259.** Ms. COLLINS (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following: **“SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

“(a) **IN GENERAL.**—To provide timely and effective warnings regarding natural disas-

ters, wars, acts of terrorism, other man-made disasters, and other hazards to public safety under this title, the Administrator shall—

“(1) modernize the integrated public alert and warning system of the United States (in this section referred to as the ‘public alert and warning system’) to ensure that under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety; and

“(2) implement the public alert and warning system.

“(b) **IMPLEMENTATION REQUIREMENTS.**—In carrying out subsection (a), the Administrator shall—

“(1) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

“(2) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

“(3) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency, to the extent technically feasible;

“(4) ensure training, tests, and exercises for the public alert and warning system are conducted, including—

“(A) through exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748), to the extent determined appropriate by the Administrator;

“(B) the conduct of periodic nationwide tests; and

“(C) by establishing and integrating into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled-Emergency Alert System;

“(5) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

“(6) in coordination with the Secretary, ensure that the public alert and warning system coordinates with the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

“(7) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers; and

“(8) coordinate with, and consider the recommendations of, the Select Advisory Committee established under section 1084(b) of the National Defense Authorization Act for Fiscal Year 2013.

“(c) **SYSTEM REQUIREMENTS.**—The public alert and warning system shall—

“(1) incorporate multiple communication systems and technologies, to the extent determined appropriate by the Administrator;

“(2) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

“(3) be designed to—

“(A) provide alerts that are accessible to the largest portion of the affected population feasible, including nonresident visitors and tourists and individuals with disabilities, to the extent technically feasible; and

“(B) improve the ability of remote areas to receive alerts; and

“(4) provide redundant alert mechanisms where practicable so as to reach the greatest number of people.

“(d) **PILOT PROGRAMS.**—The Administrator may conduct pilot programs for the purpose of demonstrating the feasibility of using a variety of methods for achieving the system requirements specified in subsection (c).

“(e) **USE OF SYSTEM.**—

“(1) **LIMITATION.**—Except to the extent necessary for testing the public alert and warning system, the Administrator may not transmit a message from the President using the public alert and warning system that does not relate to a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety.

“(2) **CONSUMER OPT-OUT.**—Nothing in this section shall be construed to supersede section 602 of the SAFE Port Act (47 U.S.C. 1201).

“(f) **PERFORMANCE REPORTS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter through 2016, the Administrator shall make available on the public website of the Agency a performance report, which shall—

“(A) establish performance goals for the implementation of the public alert and warning system by the Agency;

“(B) describe the performance of the public alert and warning system, including—

“(i) the type of technology used for alerts and warnings issued under the system;

“(ii) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency; and

“(iii) the training, tests, and exercises performed and the outcomes obtained by the Agency;

“(C) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

“(D) identify other necessary improvements to the system; and

“(E) provide an analysis comparing the performance of the public alert and warning system with the performance goals established under subparagraph (A).

“(2) **CONGRESS.**—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).”.

(b) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION SELECT ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the “Administrator”) shall establish a select advisory committee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Select Advisory Committee (in this subsection referred to as the “Select Advisory Committee”).

(2) MEMBERSHIP.—The Select Advisory Committee shall be composed of the following members:

(A) The Chairman of the Federal Communications Commission (or the Chairman's designee).

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (or the Administrator's designee).

(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary's designee).

(D) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary's designee).

(E) The Under Secretary for the National Protection and Programs Directorate (or the Under Secretary's designee).

(F) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

(G) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of federally recognized Indian tribes and national tribal organizations, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers.

(ii) Individuals who have the requisite technical knowledge and expertise to serve on the Select Advisory Committee, including representatives of—

(I) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(II) the broadcasting industry;

(III) the cellular industry;

(IV) the cable industry;

(V) the satellite industry;

(VI) consumer or privacy advocates;

(VII) national organizations representing individuals with disabilities, the blindness, deaf, and hearing loss communities, and the elderly; and

(VIII) organizations representing individuals with limited English proficiency.

(iii) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Administrator (or the Administrator's designee) shall serve as the Chairperson of the Select Advisory Committee.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Select Advisory Committee shall take place not later than 180 days after the date of enactment of this Act.

(B) OTHER MEETINGS.—After the initial meeting, the Select Advisory Committee shall meet, at least annually, at the call of the Chairperson.

(5) RECOMMENDATIONS.—The Select Advisory Committee may develop and submit in the annual reports under paragraph (6) recommendations for the continuation and improvement of the public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems; and

(C) recommendations for improvements to the public alert and warning system, includ-

ing recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies, to the extent determined appropriate by the Select Advisory Committee;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vii) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(viii) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or use, any specific medium of communication or any particular device.

(6) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year after, the Select Advisory Committee shall submit to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318), the Administrator, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report describing the activities of the Select Advisory Committee and containing any recommendations of the Select Advisory Committee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section for each of fiscal years 2013 through 2017.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section (including the amendments made by this section) shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission.

**SA 3260.** Mr. CORNYN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in

the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

**SA 3261.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SA 3262.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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



**SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) **NATURE OF MILITARY ACTIVITIES.**—

(1) **PRINCIPAL PURPOSE.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

**SA 3263.** Mr. TESTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 595, between lines 7 and 8, insert the following:

**TITLE XXXVI—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**SEC. 3601. SHORT TITLE.**

This title may be cited as the “Sportsmen’s Act of 2012”.

**Subtitle A—Hunting, Fishing, and Recreational Shooting**

**PART I—HUNTING AND RECREATIONAL SHOOTING**

**SEC. 3611. MAKING PUBLIC LAND PUBLIC.**

(a) **IN GENERAL.**—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking “Sec. 3. APPROPRIATIONS.—Moneys” and inserting the following:

**“SEC. 3. FUNDING.**

“(a) **IN GENERAL.**—Amounts”; and

(2) by adding at the end the following:

“(b) **PRIORITY LIST.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) **PRIORITY LIST.**—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(3) **CRITERIA.**—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **LAND AND WATER CONSERVATION FUND ACT.**—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 4601–5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”; and

(B) in the first sentence of section 9 (16 U.S.C. 4601–10a), by striking “by section 3 of this Act”; and

(C) in the third sentence of section 10 (16 U.S.C. 4601–10b), by striking “by section 3 of this Act”.

(2) **FEDERAL LAND TRANSACTION FACILITATION ACT.**—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)”.

**SEC. 3612. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

**SEC. 3613. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) **FINDINGS.**—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) **POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) **USE.**—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

**PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT**

**SEC. 3621. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This part may be cited as the “Target Practice and Marksmanship Training Support Act”.

**SEC. 3622. FINDINGS; PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16

U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

**SEC. 3623. DEFINITION OF PUBLIC TARGET RANGE.**

In this part, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

**SEC. 3624. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

**SEC. 3625. SENSE OF CONGRESS REGARDING CO-OPERATION.**

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

**PART III—FISHING**

**SEC. 3631. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.**

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

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

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

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

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

**Subtitle B—National Fish Habitat  
PART I—NATIONAL FISH HABITAT**

**SEC. 3641. DEFINITIONS.**

In this part:

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

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 3642(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 3644; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by

the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and  
(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 3643(a).

(12) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land;  
(B) water (including water rights); or  
(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State;  
(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or  
(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 3642. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;  
(B) 1 shall be the Assistant Administrator;  
(C) 1 shall be the Chief of the Natural Resources Conservation Service;  
(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.  
(ii) The commercial fishing industry.  
(iii) Marine recreational anglers.  
(iv) Freshwater recreational anglers.  
(v) Terrestrial resource conservation organizations.  
(vi) Aquatic resource conservation organizations.  
(vii) The livestock and poultry production industry.  
(viii) The land development industry.  
(ix) The row crop industry.  
(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appoint-

ment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and  
(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—  
(A) at the call of the Chairperson; but  
(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 3643; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 3643. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across

jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 3644. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist

and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based,

to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

#### SEC. 3645. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this part;

(4) assist the Secretary in carrying out the requirements of sections 3646 and 3648;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 3649;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant

Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 3653.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 3644(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

#### SEC. 3646. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

#### SEC. 3647. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

#### SEC. 3648. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

#### SEC. 3649. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 3644(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 3644(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 3644(b) that was based on a factor other than the criteria described in section 3644(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other ele-

ments of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

#### SEC. 3650. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

#### SEC. 3651. EFFECT OF PART.

(a) WATER RIGHTS.—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### SEC. 3652. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### SEC. 3653. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 3644(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 3649, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 3645(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 3646—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

## PART II—DUCK STAMPS

### SEC. 3661. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

### SEC. 3662. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) COST OF STAMPS.—

“(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

### SEC. 3663. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conserva-

tion Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

### SEC. 3664. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the



Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State

issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

### PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

#### SEC. 3671. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

#### SEC. 3672. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 3672.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 3671 and in accordance with section 3673.

(6) MANAGEMENT BOARD.—The term “Management Board” means a Joint Venture Management Board established in accordance with section 3673.

(7) MIGRATORY BIRDS.—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term “Program” means the Joint Ventures Program conducted in accordance with this part.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) SERVICE.—The term “Service” means the United States Fish and Wildlife Service.

(11) STATE.—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### SEC. 3673. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

#### SEC. 3674. ADMINISTRATION.

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to

achieve the purposes described in section 3671.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory

birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 3671;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

**SEC. 3675. GRANTS AND OTHER ASSISTANCE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 3674.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

**SEC. 3676. REPORTING.**

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-

year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 3671;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

**SEC. 3677. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

**SEC. 3678. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

#### **PART IV—REAUTHORIZATIONS**

**SEC. 3681. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

**SEC. 3682. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

**SEC. 3683. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) **BOARD OF DIRECTORS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”;

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”;

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, edu-

cational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”;

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under

section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

**SEC. 3684. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.**

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

**SEC. 3685. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.**

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

**SEC. 3686. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

**SEC. 3687. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”

#### SEC. 3688. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”;

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”; and

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”; and

(2) by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

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

(2) by inserting after section 2 the following:

#### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”;

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”; and

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”;

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”; and

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”; and

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002;”;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.”.

**SA 3264.** Mr. LEVIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

#### SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR COMMUNICATIONS.

(a) ADDITIONAL AUTHORIZED NUMBER OF ASDS.—Subsection (a)(1) of section 138 of title 10, United States Code, is amended by striking “14” and inserting “15”.

(b) DESIGNATION AS ASD FOR COMMUNICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Communications.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to Assistant Secretaries of Defense and inserting the following:

“Assistant Secretaries of Defense (15).”.

**SA 3265.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

#### SEC. 1084. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

#### “§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill

“(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by

this subsection in connection with any promotion, goods, services, or commercial activity in a manner that reasonably and falsely suggests that such use is approved, endorsed, or authorized by the Department or any component thereof.

“(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) When any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.”

**SA 3266.** Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 2, after line 15, add the following:

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

**SA 3267.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX of division A, add the following:

**SEC. 915. EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.**

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

**SEC. 916. EXEMPTION FROM INKSNA.**

Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended to read as follows:

“(1) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term ‘extraordinary payments in connection with the International Space Station’ means payments in cash or in kind made or to be made by the United States Government for work on the International Space Station which the Russian Government pledged at any time to provide at its expense.”

**SA 3268.** Mr. HATCH submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

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

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 3269.** Mr. MORAN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS FOR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.**

Not later than \_\_\_\_\_ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(1) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

**SA 3270.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1032. REPORT ON TRANSFER TO THE GOVERNMENT OF AFGHANISTAN OF ENEMY COMBATANTS DETAINED BY THE UNITED STATES IN AFGHANISTAN.**

(a) IN GENERAL.—Not later than 180 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 following:

(1) The policy of the United States on the disposition of enemy combatants captured on the battlefield and detained in detention facilities in Afghanistan under the control of the United States, including any policies on the disposition of non-Afghanistan enemy combatants, enemy combatants that are Afghanistan nationals, and high-value detainees.

(2) An assessment of the capacity of the Government of Afghanistan to detain and prosecute the individuals described in paragraph (1) for purposes of maintaining the rule of law in Afghanistan.

(b) ENEMY COMBATANT DEFINED.—In this section, the term “enemy combatant” means an individual who—

(1) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(2) is a member of, part of, or operated in a clandestine, covert, or military capacity on behalf of the Taliban, al Qaeda, or associated forces.

**SA 3271.** Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**SA 3272.** Mr. BLUNT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) TRANSFER OF FUNDS.—Not later than 30 days after the enactment of this Act, the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, \$3,000,000 shall be transferred to the United States Postal Service for purposes of implementing the modernization of the Department of Defense’s mail delivery system for the purposes set forth in subsection (a).

**SA 3273.** Mr. DEMINT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . NATIONAL RIGHT-TO-WORK.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: Provided, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”;

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”;

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 3274.** Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1246. JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.**

(a) COMMON FUND FOR HOSTAGES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall establish a common fund to be administered by the class representatives and agents for the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia). Such common fund shall—

(1) be administered to pay claims to the Americans held hostage in Iran, and to members of their families, who are identified as class members in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia; and

(2) be administered for purposes of satisfying such claims, as approved by the class representatives and agents identified in that case number.

(b) FUNDING.—

(1) SOURCES.—

(A) FINES AND PENALTIES.—

(i) IN GENERAL.—The Secretary of the Treasury shall pay to the fund under subsection (a) an amount equal to 50 percent of all amounts collected as fines and penalties by reason of the application of clause (ii) on or after the date of the enactment of this Act. The total amount of payments that may be made into the fund under this clause may not exceed the estimated total amount of payments to be made under subsection (d).

(ii) FINES AND PENALTIES.—The maximum fines and penalties authorized to be imposed,



in whole or in part, for violations of any conduct or activities with respect to any government or person by reason of their connection with or sponsorship by Iran are hereby increased by 100 percent.

(B) SEIZED OR FROZEN ASSETS.—The Secretary of the Treasury is authorized to pay to the fund under subsection (a)—

(i) any funds or property in which Iran has an interest, and

(ii) any funds or property in which any person or entity subject to any law providing for sanctions against Iran by reason of such person's or entity's relationship to or connection with Iran has an interest, held by the United States (including in the form of a trust) or subject to any prohibition or regulation with respect to any financial transactions in connection therewith. The Secretary of the Treasury is authorized to vest and liquidate any property identified in this subparagraph in order to make payment as provided in this subparagraph.

(2) TIMING OF FUNDING.—Payments by the Secretary of the Treasury to the fund under subsection (a)—

(A) using funds held by the United States or funds subject to prohibition or regulation on the date of the enactment of this Act shall be made not later than 60 days after such date of enactment; and

(B) using funds that come into the possession of the United States or funds that become subject to prohibition or regulation after the date of the enactment of this Act shall be paid not later than 60 days after coming into the possession of the United States or becoming subject to prohibition or regulation, as the case may be.

(3) SATISFACTION OF CLAIMS.—Payments to the fund under subsection (a) shall be made until the amounts described in subsection (d) are satisfied in full. If the Secretary of the Treasury determines that the amounts can be fully satisfied within 1 year after the date of the enactment of this Act from funds other than those held by the United States as trustee, the Secretary of the Treasury may defer payment of funds held by the United States as trustee until one year after such date of enactment, but shall ensure during such 1-year period of deferral that any such funds held by the United States as trustee shall not be disbursed, transferred or otherwise constrained for payment as otherwise may be required under this section.

(C) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Funds paid to the fund under subsection (b) shall be distributed by the class representatives and agents to the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia) in the amounts described in subsection (d).

(2) PRIORITY.—Subject to subsection (d), payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(A) First, to each living former hostage identified as a class member under subsection (a)(1).

(B) Second, to the estate of each deceased former hostage identified as a class member under subsection (a)(1).

(C) Third, to each spouse or child of a former hostage identified as a class member under subsection (a)(1) if the spouse or child is identified as a class member under subsection (a)(1).

(d) AMOUNT OF PAYMENTS.—The amount of payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(1) For each former hostage described in subsection (c)(2)(A), \$10,000 for each day of captivity of the former hostage.

(2) For the estate of each deceased former hostage described in subsection (c)(2)(B),

\$10,000 for each day of captivity of the former hostage.

(3) For each spouse or child of a former hostage described in subsection (c)(2)(C), \$5,000 for each day of captivity of the former hostage.

(e) SUBROGATION.—The United States shall be fully subrogated, with respect to payments under this section, to all rights of each individual paid under subsection (d) against the Government of Iran or the Iranian Revolutionary Guard Corps or its affiliates or agents. The President shall pursue such subrogated rights as claims or offsets of the United States in appropriate ways until such subrogated claims have been resolved to the satisfaction of the United States.

(f) PRECLUSION OF SUIT AND WAIVER OF CLAIMS.—Upon payment of all amounts described in subsection (d), each person receiving such payment shall be precluded from bringing suit against Iran of any claim arising out of events occurring between November 3, 1979, and January 20, 1981, and all such claims as against Iran shall be deemed waived and forever released.

(g) REIMBURSEMENT OF SEIZED OR FROZEN ASSETS.—Upon payment of all amounts described in subsection (d), the President is authorized to make payments from amounts paid to the fund under subsection (b)(1)(A) to any person or entity described in subsection (b)(1)(B) for purposes of reimbursing such person or entity for funds or property of such person or entity held by the United States as identified in subsection (b)(1)(B).

(h) DEPOSIT OF FUNDS IN THE TREASURY.—Any amounts in the fund under subsection (a) that remain after the date on which payments of all amounts described in subsection (d) are made, or the date that is 2 years after the date of the enactment of this Act, whichever occurs later, shall be deposited in the Treasury of the United States.

**SA 3275.** Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the 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; as follows:

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

**SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral actions of a third party will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of

peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

**SA 3276.** Mr. LIEBERMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION**

**SEC. 1801. FINDING.**

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

**SEC. 1802. DEFINITIONS.**

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term “memorial” means the memorial authorized to be established under section 3(a).

**SEC. 1803. MEMORIAL AUTHORIZATION.**

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

**SEC. 1804. REPEAL OF JOINT RESOLUTIONS.**

Public Law 99-558 (110 Stat. 3144) and Public Law 100-265 (102 Stat. 39) are repealed.

**SA 3277.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING SPECTRUM REALLOCATION.**

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for commercial mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the current spectrum shortage, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the reallocation of Federal Government spectrum for commercial use must also be part of the solution, given that, according to a 2012 Government Accountability Office study, the percentage of the most highly valued spectrum, that below 3700 MHz, used exclusively or predominantly by the Federal Government ranges from approximately 39 percent to 57 percent with exclusive Government use accounting for 18 percent of the total amount of spectrum below 3700 MHz;

(5) The Federal Communications Commission and the National Telecommunications and Information Administration should also provide replacement spectrum to federal users before spectrum is reallocated.

(6) existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and, with respect to spectrum vacated by the Department of Defense, certification by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(7) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(8) realizing sharing is currently proposed as a possible long-term solution, federal government users should, to the extent practicable, explore how to best implement it to alleviate a lack of a variable bandwidth;

(9) among existing Federal Government bands, the spectrum between 1755–1780 MHz is particularly well-suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most of the world and because it is immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment;

(9) among existing Federal Government bands, certain frequencies and allocations are more well suited for reallocated to commercial use because it is identified internationally for commercial mobile services;

(10) consistent with the March 2012 National Telecommunications and Information Administration report "An Assessment of the Viability of Accommodating Wireless Broadband in the 1755-1850 MHz Band", the Department of Defense should prepare a long term plan in consultation with relevant agencies and private sector stakeholders to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security needs;

(11) The Secretary of Defense should determine the feasibility of relocating to the extent practicable in the 1755-1780 MHz and the General Accountability Office should review the analysis performed; and

(12) if feasibility is shown by the Department of Defense and the General Accountability Office, the Federal communications Commission should consider reallocating this band to commercial use.

**SA 3278.** Mr. BLUNT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) TRANSFER OF FUNDS.—Of the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, \$3,000,000 shall be transferred to the United States Postal Service not later than 30 days after the date of the enactment of this Act for purposes of implementing the modernization of the Department of Defense's mail delivery system for the purposes set forth in subsection (a).

**SA 3279.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the 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; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Other Matters**

**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

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

(1) In 2000, the National Nuclear Security Administration was established as an inde-

pendent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, "gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities".

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested "contractor assurance" approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a "high risk" designation and found there to be insufficient qualified Federal acquisition professionals to "plan, direct, and oversee project execution".

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

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration,

should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

**SA 3280.** Mr. LEVIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to

determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term "cleared defense contractor" means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**SA 3281.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

**SEC. 561. INCENTIVE COMPENSATION PROHIBITION.**

Section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, the institution may provide payment, based on the amount of tuition generated by the institution, to a third party unaffiliated with the institution that provides a set of services to the institution that may include, but not solely, recruitment services, regardless of whether the third party is affiliated with any other institution that provides educational services, if the third party does not make prohibited compensation payments to its employees, the institution does not pay the third party solely or separately for student recruitment services provided by the third party, and any recruitment information, including personally identifiable information, will not be used, shared, or sold with any other entity, including any affiliated institutions that provide educational services."

**SA 3282.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a "prescription drug take-back program") under which members of the

Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3283.** Mr. RUBIO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

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

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

**SA 3284.** Mr. LEVIN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 238. REPORT ON POTENTIAL FUTURE HOMELAND BALLISTIC MISSILE DEFENSE OPTIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on potential future options for homeland ballistic missile defense.

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

(1) A description of the current assessment of the threat to the United States from long-range ballistic missiles of North Korea and Iran, and an assessment of the projected future threat through 2022, including a discussion of confidence levels in such threat assessment.

(2) A description of the current United States homeland ballistic missile defense capability to defend against the current threat of limited ballistic missile attack from North Korea and Iran.

(3) A description of planned improvements to the current homeland ballistic missile defense system, and the capability enhancements that would result from such planned improvements.

(4) A description of potential additional future options for homeland ballistic missile defense, in addition to those described pursuant to paragraph (3), if the future ballistic missile threat warrants deployment of such options to increase the homeland ballistic missile defense capability, including—

(A) deployment of a missile defense interceptor site on the East Coast;

(B) deployment of a missile defense interceptor site in another location in the United States, other than on the East Coast;

(C) deployment of additional Ground-based Interceptors for the Ground-based Midcourse Defense system at Fort Greely, Alaska, Vandenberg Air Force Base, California, or both;

(D) deployment of Standard Missile-3 Block IIB interceptors on land or at sea; and

(E) any other options the Secretary considers appropriate.

(c) **EVALUATION.**—For each option described under subsection (b)(4), the Secretary shall provide an evaluation of the advantages and disadvantages of such option. The evaluation of each option shall include consideration of the following:

(1) Technical feasibility.

(2) Operational effectiveness and utility against the projected future threat.

(3) Cost, cost effectiveness and affordability.

(4) Adaptability to respond to changes in threat evolution.

(d) **CONCLUSIONS AND RECOMMENDATIONS.**—Based on the evaluation required by subsection (c), the Secretary shall include in the report required by subsection (a) such findings, conclusions, and recommendations as the Secretary considers appropriate for potential future options for homeland ballistic missile defense

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

**SA 3285.** Mr. MORAN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS FOR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.**

Not later than \_\_\_\_\_ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

**SA 3286.** Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; as follows:

On page 3, lines 8 through 10, strike “and the Committee on Commerce, Science, and Transportation of the Senate” and insert “, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate”.

**SA 3287.** Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. LEVIN to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month; as follows:

In the fifth whereas clause of the preamble, strike “5,082” and insert “5,205”.

In the tenth whereas clause of the preamble, strike “60” and insert “65”.

In the fifteenth whereas clause of the preamble, strike “each fiscal year” and insert “fiscal year 2005”.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 29, 2012, at 9:30 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled “Sandy and Its Impacts: A Local Perspective.”

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 29, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled “Reclaiming Our

Image and Identity for the Next Seven Generations.”

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

**COMMITTEE ON THE JUDICIARY**

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 29, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 29, 2012, at 10 a.m. in room 432 Russell Senate Office building to conduct a hearing entitled “Creating Jobs and Growing the Economy: Legislative Proposals to Strengthen the Entrepreneurial Ecosystem.”

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2012, at 2:30 p.m.

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

**PRIVILEGES OF THE FLOOR**

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jim Malachowski, an Air Force fellow assigned to the office of Senator CONRAD, be granted floor privileges for the remainder of the debate on S. 3254.

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that Maj. Leigh Hasson, the defense fellow for Senator BEGICH, be allowed floor privileges for the remainder of the debate on S. 3254.

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

Ms. AYOTTE. Mr. President, I ask unanimous consent that my Air Force legislative fellow, Active-Duty Maj. Alison “Babs” Kamataris, receive floor privileges for the remainder of the consideration of S. 3254, the Defense authorization bill.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Russ Cummings, a military fellow from Senator MANCHIN’s office, be granted floor privileges for the remainder of the debate on the National Defense Authorization Act for fiscal year 2013.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Scott Haller