

Congressman COLE knows he should be listening to his constituents, and he is. If we all listened to the people we represent and if the House leadership listens to the people of this country and those they represent, they will pass the bill we sent to them in July.

If taxes go up for middle-class families on January 1, people are going to know who is responsible for letting that happen. I urge House Republican leadership to take up S. 3412, the Middle-Class Tax Cut Act, pass it now, so the overwhelming number of families in this country have certainty going into this important holiday season and into the new year, so they can enjoy the season without knowing that their taxes are going to be going up on January 1. As of today we have 27 days before the vast majority of people in America—98 percent—see tax increases occur. It makes no sense, there is no reason for it to happen, and we have already passed a bill. If the House passes a bill, that is step one. Step one very clearly says we are all together on supporting the middle class continuing their tax cuts. We know there is more to do. We are fully prepared to do that. But step one is to make sure the middle class is not held hostage while the debate goes on about what should happen for the wealthiest few in this country.

I suggest the absence of a quorum.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Resumed.

The PRESIDING OFFICER. The clerk will report the pending business.

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl modified amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Mr. President, we are about to wrap up the Defense bill. This is the sixth Defense bill I have had the privilege of working on as a member of

the Armed Services Committee. It is also the final Defense bill I will be working on as a Member of the U.S. Senate. I want to take this opportunity to say what an honor and privilege it has been to serve as a member of that committee and express my thanks to Chairman LEVIN.

As someone who began his time on Capitol Hill as a full-committee counsel on the House side many years ago and then spent 5 years in the Pentagon—often working over here on the Hill—and now after 6 years in the Senate, I can say that Senator LEVIN is a five-star committee chairman. He is what one always hopes for when he or she serves on a committee in the U.S. Congress. It has been a true honor.

This committee is an example of how committee work should be undertaken in the U.S. Congress. People like to say this is the 51st consecutive year we have, hopefully, been able to pass a Defense authorization bill. I would suggest to my colleagues that perhaps that example should be used more broadly in this body. I think it would make for good governance if it did.

I want to also express my appreciation to Senator MCCAIN, the Senator from Arizona. I have known him as a colleague and friend for more than 30 years. He comes from a family that has a long tradition of military service to our country that continues even until today. Senator MCCAIN and I have had occasional disagreements on the conduct of foreign policy, but I think it has been very rare that we have seen differently as to our views of how the Department of Defense should undertake its responsibilities.

As the subcommittee chair of the personnel subcommittee, I want to express my appreciation to my staff, Gary Leeling, Jon Clark, Brie Fahrner, and Jennifer Knowles. They have always been accessible and extremely professional. It has been a great privilege to work with them.

I also want to take a special moment of privilege here to recognize Gordon Peterson, who has been my military assistant throughout my time in the U.S. Senate. Gordon Peterson and I graduated from the Naval Academy in the same year. He was a very fine and respected athlete at the Naval Academy. He went on to become a helicopter pilot in combat in Vietnam. He gave our country 30 years of distinguished service as a naval officer. He was later the editor in chief of Seapower magazine, and was a special assistant to the Commandant of the Coast Guard. He has been unflagging in his attention to detail in everything we have worked on in the last 6 years.

We were talking a few days ago about whether either of us would have thought that during the days of our plebe summers so many years ago we would be sitting on the floor of the U.S. Senate as stewards of the well-being of our country and of the people who served it. I give a special thanks to Gordon Peterson as he moves on to other challenges in his life.

Again, it has been my privilege to serve on this committee.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of New Mexico. Mr. President, I wanted to come down and talk about an amendment I am working on to the Defense authorization bill. Last week Senator CORKER and I filed amendment No. 3049, which would create an open burn pit registry in the Defense Authorization Act.

Our veterans and Active-Duty members suffering from exposure to burn pits should not have to wait any longer. The Senate Veterans' Affairs Committee agrees and has passed the legislation after holding hearings. However, I understand there is currently opposition to passing this amendment via a managers' package.

I would note that we have already passed two amendments dealing with veterans yesterday, both the Pryor amendment No. 3291 dealing with veterans employment and training and the Reed of Rhode Island amendment No. 3165 dealing with housing assistance for veterans. Both of these were outstanding amendments and help maintain the trust we have made to our veterans and our current servicemembers whom we have an obligation to care for when they have completed their service.

In both Afghanistan and Iraq, open-air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. I believe, like the rest of my colleagues, that if we are forever in debt to our veterans for their service, we must be asking this question: How did these burn pits impact the health of our returning heroes? This amendment is a step toward finding the answers we owe them. It is supported by numerous groups, including Burnpits 360, Veterans of Foreign Wars, the Association of the U.S. Navy, Retired Enlisted Association, the Uniformed Services Disabled Retirees, and the National Military Family Association.

I am hopeful that we can pass this amendment No. 3049 through a unanimous consent agreement, but I respectfully request a vote at this time if no such agreement can be made.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. I just wanted to spend a few minutes talking about Reed amendment No. 3255 and to point out to my colleagues I know this amendment will pass, but I believe we ought to be on record as voting to add \$1.7 billion in additional funds that our kids are going to pay for.

This is paid for, but it is smoke and mirrors. We have used a trick in how we do this. Ultimately, what is going to happen is here is another bill that will require funding from the health account at the Pentagon, which is in operations and maintenance, which means we will not have \$1.7 billion for naval exercises, for flight training, for tank training, for range training. In other words, out of this account is where it comes to all the preparedness.

I must give President Obama credit. He has recommended what the committee recommended doing for the last 2½ years. Now we have an amendment that takes where the committee went to, actually, a small copay, increasing copay on pharmacy benefits for retirees, and reverses that and forces our veterans to have to use mail order. I am OK with mail order. I know we save a lot of money with that, but the CBO says as soon as we stop this one year, the mandate is going to go back the other way and the cost is going to be this amount of money. They have met the literal requirements of pay-go, but they haven't met the functional requirements. Here we have another amendment that we will take out of the operations and maintenance account, and that is important. But the most important issue in this debate is we continue to want to have benefits for our retired military that are growing faster than the rate of inflation—certainly faster than—and not have them help pay for the increase in the benefits.

We have \$16.4 trillion worth of debt this morning. We have \$88 trillion worth of unfunded liabilities, and now we are at this juncture where we are having a discussion between the Speaker of the House and the President on how we get over the fiscal cliff and start to solve some of these problems. We have an amendment put up because there is a very powerful force, all the service organizations and everything else, that said don't do this.

Everybody in our country, if we are to get out of the problem, is going to have to pay a small sacrifice. This is not a large amount of money, unless you are absolutely destitute, in terms of the copays. The President has recommended we do that, the committee recommended it and we are reversing it and using the gimmick so there can't be a budget point of order on it.

There will be a time in the not-too-distant future when the decisions to control our future will be out of our hands in terms of the economics and the debt. Delaying that now, because we do not want to yield against the popular criticism, will cause us to pay a further great price. The very people

who are going to be asked to contribute as part of fixing our country are going to be paying a greater price.

I just received a book from our colleague, the Senator from Rhode Island, SHELDON WHITEHOUSE. I received it today, and I have already finished half of it. It has a wonderful introduction. I would recommend to all my colleagues—I know they will get one—to read it. It is a collection of thoughts and sayings. If we read what Daniel Webster said, we read what Benjamin Franklin said, and we read what Winston Churchill has said about bowing to the public pressure rather than doing the best right thing, we will not regret it.

This is a popular amendment. It is going to pass. The service organizations want us to do it, but it is not the right thing to do. We have to begin, as we negotiate, to increase revenues from the very wealthy in this country, declining expenses at the Defense Department; everybody has to share, everybody in America. If they don't share now, they will share much more painfully in the future.

I don't have anything else to say on this other than I will vote against it, not because I want veterans to have to have a copay but because I want our country to get out of the hole we are in. Part of the sharing of that is a copay on retail pharmacy.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arizona.

Mr. MCCAIN. As we are wrapping up, I would like to tell the Senator from Oklahoma he is correct.

Former Secretary of Defense Gates, probably the most respected Secretary of Defense we have had in many years, said, "Health care costs are," in his words, "eating us alive."

None of us, I don't know a single Member of this body, no matter where they are, who doesn't want to make sure our veterans are cared for, the widows, the orphans, the veterans, as Abraham Lincoln described them. We are going to have to find ways to bring these costs under control and still, at the same time, provide our veterans with the benefits they have earned.

I know of no one who joined the military because of TRICARE—I hear from all the retirees and all that—they joined the military because of TRICARE. I have not yet met a single 18-year-old, including my own son, who joined the Marine Corps who said: Gee, I want to join the Marine Corps because of TRICARE. No, they joined the military because they want to serve their country.

They understand our obligation to them is not to hand them a bankrupt

Defense Department, that all the costs are in things such as TRICARE and retirement benefits and other personnel costs so we can't provide them with what they need to fight.

I understand the positions of the veterans groups in this country. I respect them, I love them, and I appreciate them. But we are going to have to get serious about entitlements for the military just as we are going to have to get serious about entitlements for non-military.

I admit our veterans are in a special category. No group of Americans has been willing to serve and sacrifice as our veterans have, although there are certainly other Americans who sacrifice and serve in many other ways.

I say to my friend from Oklahoma, I look forward, perhaps next year—I hope the Reed amendment will not be proposed at this time. We need to sit down with the chairman, and we will have to have some hearings to find out what these future costs of health care will be. For example, I believe it has gone now from 11 percent—health care costs have gone from 11 percent now to 13 percent of the entire defense budget, and it will continue higher. We can't keep doing that.

We adopted an amendment by Senator GILLIBRAND on autism services. The way it is written will require an increase of \$1.7 billion over the next 10 years and no way to pay for it. I appreciate the dedication of the Senator from New York, but her answer was: We would like to work with you on that.

We have to do more than work on it. We have to solve it. All I can say is while we are waiting, I hope we understand that here it is. The DOD health care costs represent nearly 11 percent of the total budget request for DOD, and it will continue to rise to more than 13 percent. Then it will go even higher and higher and higher.

There was an editorial in the Washington Post today that says, "Time to Rein in TRICARE." It says, in part:

... the administration plans cuts, including shrinking the Army and the Marine Corps. This is risky, given the potential threats the United States faces.

Unfortunately, Congress is compounding the problem by protecting expensive items that inflate personnel costs without any corresponding payoff in defense readiness."

So I would urge my colleagues to pay attention to the editorial in the Washington Post, "Time To Rein In Tricare," because I think it is important for us to understand.

Let me quote from the article:

Tricare's costs have surged in recent years from \$19 billion in fiscal year 2001 to \$52.8 billion in fiscal 2011.

I repeat: In 2001 TRICARE costs were \$19 billion. In 2011 it was \$52.8 billion.

Much of the growth was driven by Congresses' 2001 decision to add what is essentially a free Medigap plan for retirees over 65. But the main issue is the ultra-low fees and deductibles—which give retirees still of

working age little incentive to economize or choose employer plans. President Obama's budget plan would save \$12.8 billion over five years by gradually increasing working-age retirees' annual enrollment fees, with lower-income retirees paying the least, and then adjusting them according to national health spending growth thereafter.

We would not be doing any of that with this bill. We would not be doing any of that. But I would argue this is not the time now, as we finish with this bill, to add another additional cost that we have not found ways to pay for, which consumes a larger and larger part of the defense budget.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, in a moment I am going to note the absence of a quorum unless there is someone who wishes to speak.

I want to try to work through this pending issue. I think it is the last issue we need to work through in some way before there will be a unanimous consent request that is propounded. If we can figure out the best way to handle this, and then offer a unanimous consent request, we will be able to reach the end of the bill this very day.

So I suggest the absence of a quorum.

Oh, I withhold that.

Mr. MCCAIN. I would just ask my friend—I understand we have a managers' package—is it his preference we have the managers' package done at the same time as the UC; do that together?

Mr. LEVIN. It is.

Mr. MCCAIN. Hopefully, we will do that shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2927, 3019, 3062, 3113, 3175, 3241, 3242, 3277, 3285, 3226, AND 3117

Mr. LEVIN. Mr. President, I call up a list of 11 amendments which have been cleared by myself and Senator MCCAIN: Kyl amendment No. 2927, as modified by the changes at the desk; Akaka amendment No. 3019; Toomey amendment No. 3062; Brown of Ohio amendment No. 3113, as modified by the changes at the desk; Rubio amendment No. 3175, as modified by the changes at the desk; Carper amendment No. 3241; Carper amendment No. 3242; Thune amendment No. 3277, as modified by the changes at the desk; Moran amendment No. 3285, as modified by the changes at the desk; Bennet amendment No. 3226, as modified by the changes at the desk; and Hatch amendment No. 3117, as modified by the changes at the desk.

Mr. MCCAIN. These amendments have all been cleared on this side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be

agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2927, AS MODIFIED

At the end of title XXXI, add the following:

#### Subtitle D—Other Matters

#### SEC. 3141. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) ESTABLISHMENT.—There is established a congressional advisory panel (in this section referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the “Administration”) to permit the Administration to operate more effectively.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the speaker of the Committee on Armed Services of the House of Representatives.

(B) Three by the minority leader of the House of Representatives.

(C) Three by the majority leader of the Senate.

(D) Three by the minority leader of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The speaker of the House of Representatives and the majority leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The minority leader of the House of Representatives and the minority leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel, in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) ACCESS TO INFORMATION.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) LIAISON.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State and the Department of Energy, respectively, to serve as a liaison of-

ficer between the department and the advisory panel.

(d) REPORT REQUIRED.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively, to be followed by a final report prior to the termination of the advisory panel in accordance with subsection (f). The report shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, as well as the national security laboratories, and other Federal agencies, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(L) Whether the administration should operate more independently of the Department of Energy while reporting to the President, through the Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than \$1,000,000 shall be made available to the advisory panel to carry out this section.

(f) **SUNSET.**—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

#### AMENDMENT NO. 3019

(Purpose: To amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program)

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

#### SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands,”.

#### AMENDMENT NO. 3062

(Purpose: To require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts)

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

#### SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

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

#### AMENDMENT NO. 3113, AS MODIFIED

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

#### SEC. 888. SMALL BUSINESS HUBZONES.

(a) **DEFINITION.**—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) **TREATMENT AS HUBZONE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a covered base closure area shall be treated as a hubzone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) During the 5-year period beginning on the date of enactment of this Act.

(2) **LIMITATION.**—The total period of time that a covered base closure area is treated as a hubzone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

#### AMENDMENT NO. 3175, AS MODIFIED

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

#### SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) the Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain the operational capability of and perform the necessary maintenance in each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy's 30-year ship-building plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.

#### AMENDMENT NO. 3241

(Purpose: To repeal or modify certain mandates of the Government Accountability Office)

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 Administration 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.”.

#### AMENDMENT NO. 3242

(Purpose: To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending)

(The amendment is printed in the RECORD of Thursday, November 29, 2012, under “Text of Amendments.”)

#### AMENDMENT NO. 3277, AS MODIFIED

At the appropriate place, insert the following:

#### SEC. . . SENSE OF CONGRESS REGARDING SPECTRUM.

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 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 growing demand for spectrum, 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 long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, 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 sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106-65 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;

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangements and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

#### AMENDMENT NO. 3285, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.

Not later than 180 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 Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

#### AMENDMENT NO. 3226, AS MODIFIED

At the end of subtitle F of title V of division A, add the following:

#### SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(2) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Secretary of Education 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)).

(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.

(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 tech-

nical 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 on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

#### AMENDMENT NO. 3117, AS MODIFIED

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

#### SEC. 322. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense instructions regarding assignment of program responsibility.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that the only additional first-degree amendment remaining in order to the bill be the following: McCain amendment No. 3262, on Syria, as modified with changes that are at the desk; that there be 20 minutes equally divided in the usual form on the amendment; that any remaining time prior to 4:30 p.m. be equally divided between the chairman and ranking member for general debate on the bill; that at 4:30 p.m., all postcloture time be considered expired; that the Senate proceed to votes in relation to the McCain amendment, as modified; that no amendments be in order to the amendment prior to the vote; that

upon disposition of the McCain amendment, the Senate agree to the pending Kyl amendment, which is a Kyl-Kerry amendment, No. 3123, as modified; that upon disposition of the Kyl amendment, the Senate proceed to a vote on passage of S. 3254, as amended; that upon passage of S. 3254, the Armed Services Committee be discharged from further consideration of H.R. 4310 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 3254, as amended and passed by the Senate, be inserted in lieu thereof; that H.R. 4310, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement, all with no intervening action or debate; and finally that the bill be printed as passed by the Senate.

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

Mr. LEVIN. Madam President, I thank all of our colleagues.

Madam President, I ask unanimous consent that I be added as a cosponsor of the McCain amendment and that Senator COONS also be added as a cosponsor of the McCain amendment.

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

The Senator from Arizona.

AMENDMENT NO. 3262, AS MODIFIED

Mr. MCCAIN. Madam President, I call up amendment No. 3262, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3262, as modified.

The amendment is as follows:

AMENDMENT NO. 3262, AS MODIFIED

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 90 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.

(f) The report required in subsection (a) shall be delivered in classified form.

Mr. MCCAIN. Madam President, I believe the Senator from Kentucky is here to speak on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, the amendment before us requires that the President submit a plan for a no-fly zone for Syria. I want to compliment the authors for including in this amendment a clause that says nothing in this amendment shall be construed as a declaration of war or an authorization for the use of force. I think it is very important in our Nation today that we are not saying we are starting, beginning, or getting involved in a new war.

However, I do think this amendment is ill-advised for two reasons. No. 1, I don't think I know with certainty whether the Syrian rebels will be freedom-loving, tolerant, constitution-toting believers in a republican form of government or whether they will institute an Islamic republic that will have no tolerance for Christians and no tolerance for people of any other faith.

It still remains to be seen whether a secular government will be established in Libya, Tunisia, or Egypt. There is the question of whether al-Qaida is

more or less of a threat in Libya today since the rebels have won the civil war. I don't think we know for certain what a rebel government in Syria will do with the 1 million Christians who live in Syria.

Since the Iraq war, hundreds of thousands of Christians have fled Iraq and gone to Syria. Even after the war, apparently Syria was seen as more of a tolerant nation than Iraq. Will a rebel Islamic government in Syria tolerate or persecute Christians? Will a rebel Islamic government institute the death penalty for blasphemy, for conversion, or for apostasy? Will they have a true democracy, a secular government, or will they have a Syrian rebel government that is less tolerant than what they currently have? In many ways the Arab spring has become the Arab winter.

In Egypt we have a leader from the Muslim Brotherhood who recited amen when a radical cleric stood up and said: Death to Israel. As a radical cleric said: Death to Israel and anyone who supports them, this Muslim Brotherhood leader of Egypt that came out of the Arab spring is nodding his head in assent and seemed to be chanting amen.

Will they seek peace with Israel or war? Will the Syrian rebels seek a secular government or one ruled by Shari'a? I think there are many unknowns we need to be asking ourselves before we involve ourselves in a civil war.

Secondly, I think it is a bad idea to discuss contingency plans for war. While I am in favor of the Senate retaining our prerogative to declare war, I believe that the details of the execution of war are in the purview of the Executive. In other words, we do have the power to begin or to not begin a war. That is the power the Constitution gave us, but I don't think the Constitution intended to have 535 generals. I don't think it intended to have us explicitly talking about every contingency plan for every possible war in every corner of the globe.

Our Defense Department, no doubt, has contingency plans for a ballistic missile attack on the United States, a conventional land invasion, naval or air encounters throughout the world, but we don't necessarily openly discuss them or encourage them. I don't think it is best to openly discuss these plans for defending against an attack and especially not for involving ourselves in a civil war.

Our Nation and our soldiers are weary of war. Our Nation yearns for leaders who will strive to keep us out of war. Our Nation yearns for leaders who are reluctant to begin a new war or get involved in a new war. I hope my colleagues today will not encourage a rush to war by publicly clamoring for a plan to become involved in Syria's civil war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.



Mr. COONS. Madam President, I rise today to speak in favor of amendment No. 3262, which I am honored to cosponsor with Senators MCCAIN and LEVIN. I thank the Senators for their disciplined, diligent, and very strong leadership of this year's NDAA process. This is an authorization bill that has been taken up and considered by the Senate for 52 years, and despite a lot of challenges and a lot of difficulties we had getting to bills, getting past objections, getting to reasonable processes and amendments, these two fine Senators have led admirably in a very difficult environment.

This amendment does what I think we need to do next, to put before the Senate in an appropriate classified setting useful information about the possibilities before us and before our allies in a very difficult and very complex region that is, as Senator PAUL has noted, currently undergoing dramatic conflict.

Let me speak to a few points that persuaded me to join Senator MCCAIN and Senator LEVIN in cosponsoring this amendment.

First, despite the comments from my colleague from Kentucky, these plans will be delivered to the Senate in classified form. They will not be accessible to the general public, and they will not be broadcast to our opponents or those who might seek to learn about America's plans. They will only be delivered in classified form.

Second, and I think most important, it is explicit in this amendment that nothing in this section shall be construed as a declaration of war or an authorization for the use of force. Senator PAUL's repeated concerns that we are rushing headlong into an overengagement in a civil war that is best left to the people of Syria is reflected clearly and in plain language in that provision within this amendment.

Earlier today we took up and voted on the Convention on the Rights of Persons with Disabilities. I spoke to this issue as well. Despite the plain language of that convention that would prevent it from having any of the noxious impacts it would have on families in the United States, despite the plain language of that convention and the various restrictions and reservations that were added to it, it would have no impact on homeschooling and no impact on reproductive rights in the United States. It would have no impact on any of the variety of things that were cast about on the floor of the Senate today. So, too, here we should not allow—despite this plain language—Senators to mislead our colleagues into thinking that somehow secretly embedded within this is an authorization for the use of force.

So what is this? This is asking that the United States, in consultation between the Department of Defense and this Senate, make reasonable assessments of what our path forward in dealing with the tragic situation in Syria might be. This amendment is

clear that it will not consider ground troops being deployed onto Syrian territory. It will only look at a means that might be used by the United States or our allies to stop Assad's reckless, relentless criminal use of airpower to murder his own civilians and his own citizens.

I have been heartbroken as I have read account after account of jets and helicopters being used to stray from red lines, being used to bomb hospitals and schools, and of the thousands of innocents who have died.

The Syrian civil war is a very complex conflict. Senator PAUL asked what I really think is the central question. He said: How can we be confident that the opposition will be tolerant, inclusive, peaceful, and that it will not prosecute or persecute Christians; that they will be an ally to Israel and not impose the sorts of threats and difficulties he cited from Libya, Egypt, and other countries? That is exactly the core question at issue for us going forward: Should the United States stand on the sidelines as Bashar al-Assad massacres tens of thousands more of his civilians or should we consider what ways we can be involved through providing humanitarian assistance?

Should we support our regional allies, Turkey and Jordan, through multilateral engagement, supporting Turkey's request to NATO for defensive material? Should we better learn and understand what the opposition on the ground is inclined to do and set clear standards for how, if they demonstrate they are reliable partners in pursuing peace and if they commit themselves to the elements of the national coalition and the Free Syrian Army and to being exactly what Senator PAUL would hope—tolerant, inclusive, pro-democracy—why would we stand on the sidelines of history and allow Islamic extremists to instead write the future of the Syrian people?

For these and many reasons I am grateful for the opportunity to join with Senators MCCAIN and LEVIN in cosponsoring this amendment.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Connecticut be allowed 4 minutes, the Senator from Michigan be allowed 3 minutes, and I be allowed 2 minutes before the vote.

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

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I am honored to rise to support this amendment and just to make a few points. The first is to assure all of our colleagues that this is just an amendment that asks the Pentagon to conduct a study. It is nothing more than that. I want to particularly say that to reassure anyone who is concerned that somehow this is an authorization for the use of military force. Look at the wording. That is just not the case.

All we are debating and voting on is whether the Pentagon should be asked to do a study of the possibility of how

we might stop Bashar al-Assad's air force from committing acts of murder against his own people. In my way of thinking, to tell the truth, it is two things: One, this amendment is simply a way of saying that we in the Senate are concerned and care about the slaughter that is going on in Syria and agitated that the United States and the rest of the world is not doing more to come to the assistance of those who are fighting for their freedom and lives in Syria.

I want to point out that there are a lot of options for the Pentagon to study. One is a traditional no-fly zone. We know a lot of people in the Pentagon are concerned that to carry out a traditional no-fly zone with our aircraft, we need to spend a lot of time and energy and assume risks to knock out the Syrian air defenses. Well enough.

But there are other ways to achieve the goal of keeping Assad's aircraft from destroying Syria's people. One is to use Patriot antimissile batteries to keep Syrian planes—placed in Turkey and Jordan—out of the air. The second, of course, that I can think of is to fire precision guided missiles from offshore to hit the Syrian Air Force on the ground so it cannot take off.

All of those should be considered as part of this study, as the most obvious, which is to make sure that the freedom fighters on the ground have their own anti-aircraft weapons to fire from the ground at Assad's aircraft so they can protect their own lives.

The truth is, in supporting this amendment, I come to say that I continue to be troubled, deeply, by why the United States and so much of the rest of the civilized world is standing by and letting this happen. To me—and I speak only personally, and I do so with respect—getting involved in this on behalf of the opposition in Syria has been now for 18 months as close to a no-brainer as America ever has the opportunity to get involved in foreign policy.

I say that because from the beginning we knew which side was fighting for freedom and which side was against it. And America is supposed to be on the side of the freedom fighters. Secondly, this has developed into a humanitarian disaster: 40,000 people killed. And, third, we have not just humanitarian interests here and values interests, we have strategic interests because Assad's government is the No. 1 friend of our No. 1 enemy in the world, which is the Islamic Republic of Iran. If he goes down, Iran and its radical regime suffers a body blow. If we continue to stand back, we run the risk of terrible sectarian conflict in Syria, which runs the risk of spreading beyond, between Sunni and Shia, also between secular and religious modernizers and people who do not want to modernize.

We have every good reason to come to the aid of these people in need, and I do not see an argument for not at

least studying how we might better do that.

I thank my colleagues. I am proud to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I wonder if I might be able to proceed for 1 minute before we begin the votes.

Mr. MCCAIN. Madam President, I ask unanimous consent that 1 minute be added and that the Senator from Mississippi be recognized for that 1 minute.

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

The Senator from Mississippi.

Mr. WICKER. Madam President, I thank my colleagues for allowing me to breeze in here at the last moment.

I would like to speak today about a Department of Defense policy that has an impact on American jobs and is in urgent need of greater transparency. Until recently, this policy picked industry winners and losers. We must ensure that the Federal Government's adopted standards for green buildings are consensus-based, fair, and established by sound science.

Before last year's Defense authorization bill was signed into law, the Department of Defense exclusively recognized or showed preference for a single green building rating system.

The U.S. Green Building Council's Leadership in Energy and Environmental Design—or LEED—became DOD's adopted benchmark for green building.

This raised concerns, primarily because LEED standards are not developed in a transparent manner and do not allow meaningful input from all affected stakeholders.

For example, for some reason LEED standards are unreasonably biased against American timber.

Obtaining the highest LEED certifications often requires green buildings to exclude domestic wood. Instead, the use of bamboo, often shipped from overseas, is favored over more cost-efficient local timber.

The next version of LEED threatens to eliminate the use of other approved materials and proven products that are currently used to achieve true energy savings.

It makes sense to anticipate that a blanket adoption of LEED by the Department of Defense would have a significant impact on American industry.

To put the scope of DOD's green building policies into perspective: DOD has more than 500,000 facilities, covering more than 2 billion square feet. If we combined all of the nearly 5,000 Wal-Mart buildings in America, it would make up about a third of DOD's real estate.

That is why I fought for language—included in the 2012 Defense authorization conference report—requiring DOD to conduct a cost-benefit analysis of various green building rating systems.

Last year's Defense authorization conference report prohibited the use of funds to implement LEED standards.

This year, the Armed Services Committee accepted language I offered to extend the prohibition of funds for LEED until 6 months after the cost-benefit study is reported to Congress.

I look forward to the findings of this study but remain concerned about DOD's adoption of any green building standards that are not transparent and consensus-based.

I have yet another amendment that would direct DOD to utilize green building standards that are driven by consensus as determined by the American National Standards Institute, and include sufficient input from all affected stakeholders.

My amendment also would support green building standards that consider the full environmental benefits provided by a building material throughout its lifetime. Life Cycle Assessment is a science-based approach used to measure these benefits.

Together, I believe these provisions would create a level playing field for materials to compete for green building and energy savings in DOD construction.

The Federal Government should be in the business of choosing winners and losers. Adoption of LEED only—or any other green building standard not developed by consensus—would discriminate against American-made products, reduce transparency, impact jobs, and ultimately undermine energy savings and sustainability sought using taxpayer dollars.

Although I am going to withhold my amendment, I will continue to closely monitor this issue to ensure that fair competition is part of DOD's construction of green buildings.

I want to thank the chairman, ranking member, and all the members of the committee.

In conclusion, as we have learned, there is more than one way to have green building standards. The Defense Department has tilted toward the LEED standards in the past. I think we have authorized now a scientific analysis of other methods that is proceeding apace. I had planned to offer yet another amendment which would be withdrawn directing that the Department of Defense utilize green building standards that are driven by consensus as determined by the American National Standards Institute. As I say, I am withholding that amendment.

I do appreciate the language that is in the bill now, and I think we will end up with green building standards that save energy and serve the purposes of national defense and do not tilt toward one industry over the other.

I thank the Presiding Officer for her indulgence, I thank my colleagues on the committee, and I yield the floor.

AMENDMENT NO. 3262, AS MODIFIED

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I very much support the amendment offered by Senator MCCAIN and thank him for it.

The suffering of the Syrian people and, increasingly, the people of the region continues to grow daily. This amendment tells the Secretary of Defense and the Chairman of the Joint Chiefs that we want a classified assessment of the effectiveness of various military solutions to the problems that are there in Syria and in the region.

This information is going to help inform Congress on the challenges and the obstacles to various solutions, including the very challenges and questions which were identified by Senator PAUL. Those are the kinds of questions—not the total list, but the kinds of questions—which this assessment will help us to address. It will also help inform us about the budget and the policy decisions that the congressional defense committees make in the upcoming fiscal year.

The principal purpose of this amendment, as is stated in the amendment, is “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.” That is what is on the mind, I believe, of all of us.

This report—an assessment, to use the word in the amendment—is critically important to Congress, and I very much support the effort of Senator MCCAIN and thank him for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I would point out again that section (d)(e) of this amendment says:

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.

And it will be in “classified form.”

Yesterday, this was the front-page headline of the Washington Post: Obama Sternly Warns Syria. There is no doubt that as this conflict has dragged on and on, the risk of a wider conflict and terrible consequences can ensue. It is well known that Bashar Assad has a very large inventory of chemical weapons, including sarin gas, which is a deadly nerve agent.

I am not predicting that the United States has to be involved, but there is very little doubt in anyone's mind that as this conflict escalates, the risk of spreading, the risk of greater jihadist involvement, the greater risk of problems on the borders of Lebanon, of Iraq, of Jordan increase.

And if military action has to be taken in order, for example, to prevent sarin gas to be used, the Congress of the United States has to be involved. We have a thing called the War Powers Act. The War Powers Act expressly calls that Congress make decisions. The Congress needs to be informed. I believe all this amendment does is informs, in a classified manner, the Defense committees so that we will have the information necessary to understand the various eventualities that could result in this terribly, terribly



escalating and deteriorating situation in Syria.

As my friend from Connecticut said, 40,000 people have already been slaughtered. I think the U.S. Congress needs to be made aware not of what we should do but what we can do in case of that eventuality. I urge my colleagues to vote for the amendment.

I thank my colleagues. I thank the Senator from Connecticut, the Senator from Delaware, and, of course, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired and the question occurs on agreeing to McCain amendment No. 3262, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]

#### YEAS—92

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

#### NAYS—6

Alexander	Durbin	Lee
DeMint	Hutchison	Paul

#### NOT VOTING—2

Kirk	Rockefeller
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The amendment (No. 3262), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### KYL AMENDMENT NO. 3213, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendment No. 3123, as modified, is agreed to.

#### EXPORT CONTROLS REFORM

Mr. BENNET. Madam President, I rise to engage the chairman of the Armed Services Committee in a colloquy.

Mr. LEVIN. I would be happy to have a colloquy with the Senator from Colorado.

Mr. BENNET. Earlier this year, I introduced a bill that reforms export controls on satellites and their related items. Under the current law, satellites must be subject to the most restrictive export controls regardless of whether they are sensitive, militarily significant, or widely available outside of the U.S. This has both diminished our Nation's economic competitiveness and our national security. In fact, the State and Defense departments recently concluded that the "current law forces the U.S. Government to continue to protect commonly available satellites and related items on the USML, thus impeding the U.S. ability to work with partners and putting U.S. manufacturers at a disadvantage, but providing no noticeable benefit to national security."

My bill reforms our export control laws so that the executive branch has the discretion to determine the appropriate level of export controls for satellites and related items. The executive branch currently has such discretion for all other types of items whether the item serves a military or a dual-use purpose. The bill also prohibits the transfer of such items to China, North Korea, and state sponsors of terrorism.

Last week, I filed an amendment to the defense authorization bill that mirrors my legislation. Senators RUBIO, WARNER, MARK UDALL, and CARDIN cosponsored the measure. While I had hoped to offer and pass our amendment, it is my understanding that the chairman intends to address these reforms in conference. Is my understanding correct?

Mr. LEVIN. I first want to thank the Senator from Colorado for his work on reforming our Nation's export control laws. The House version of the National Defense Authorization Act includes provisions addressing these issues. I support his efforts in this area and I intend to work with the House of Representatives to address these reforms in conference.

Mr. BENNET. I thank the chairman for his support and assurance.

#### AMENDMENT NO. 3054

Mr. MCCAIN. Madam President, I rise to explain the scope of, and intent behind, my amendment on naval vessel naming. Amendment No. 3054, as modified, to the National Defense Authorization Act for fiscal year 2013 is a direct response to recent criticism that the Secretary of the Navy has, in some instances, politicized the ship naming process.

Since its establishment, the U.S. Navy has developed a rich tradition of

vessel naming. Traditional sources for vessel names customarily encompassed categories such as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and, other noted individuals who have made distinguished contributions to the Navy or our Nation's national security. The name the Navy selects for a vessel should reflect the very best of our Nation's and our Navy's great heritage. It should impart a sense of honor and serve as an inspiration for the vessel's crew. It should not, in any way, be tarnished by controversy. Unfortunately, controversy and criticism have surrounded some of the Secretary's recent vessel naming choices.

This amendment seeks to avoid similar controversy in the future. It sets forth necessary and appropriate standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on vessel naming. It requires that the Secretary assure the Senate and House Committees on Armed Services that the proposed vessel name comports with those standards 30 days before announcing or assigning a vessel's name.

Under the procedure established by my amendment, I fully intend and expect that the Navy will not move forward with any vessel naming proposal, unless the Congressional defense committees approve. Much as the Department of Defense seeks prior approval for reprogramming requests, the Secretary of the Navy should secure the prior approval of the Congressional defense committees before announcing or implementing a vessel naming proposal.

I take no joy or pride in this amendment, but believe it is necessitated by the spate of controversies over the last few years. I sincerely hope the amendment helps the U.S. Navy preserve the high standards it has traditionally employed for vessel naming.

#### AMENDMENT NO. 2943

Mr. LEAHY. Madam President, I was very pleased that the Senate adopted last night an amendment to improve the Law Enforcement Officers Safety Act, LEOSA. I was pleased to join Senator WEBB, a member of the Senate Armed Services Committee, as a cosponsor to strengthen a policy that is important to our Nation's law enforcement community. I thank Chairman LEVIN and Senator WEBB for their efforts.

The amendment we adopt today will place military police and civilian police officers within the Department of Defense on equal footing with their law enforcement counterparts across the country when it comes to coverage under LEOSA. The LEOSA law permits active and qualified retired law enforcement officers to carry a concealed firearm across State lines. This law, which has been in place since 2004, gives our law enforcement officers, should they choose, the peace of mind that they are protected wherever they may be.

One of the qualifications required of active or retired officers to be covered by the LEOSA law is that they must have “statutory arrest authority”. Some law enforcement personnel within the Department of Defense do have such statutory arrest authority. Others do not. For example, civilian police officers that conduct law enforcement activities on military bases or installations derive their authority from the Uniform Code of Military Justice. This authority, while statutory, is “apprehension” authority. Due to that difference between the LEOSA law’s specific enumerated requirements, and the authority pursuant to which civilian police in the military operate, these law enforcement officers have not been able to obtain the law’s benefits.

To remedy this, the amendment we have adopted will expressly include within the LEOSA statute currently non-covered civilian police officers and military police. It will do so by adding a statutory citation within Title 18 of the United States Code to the relevant portion of the Uniform Code of Military Justice. This will provide legal certainty for the Department of Defense, and will provide the needed LEOSA coverage for currently non-covered law enforcement personnel within the military.

The Senate has agreed unanimously to extend LEOSA to the law enforcement officers that serve within our military who are currently not eligible for coverage under LEOSA. They are no less deserving or worthy of this privilege and I am very pleased we have acted to equalize their treatment under the Federal law. Given the productive discussions we have had with the Department of Defense Office of Law Enforcement Policy and Support, and with Chairman LEVIN in developing this amendment. I expect that it will be implemented without delay so that those intended to be covered may gain the law’s benefit quickly. These police officers, who largely perform the same duties as their counterparts elsewhere in the Federal Government and at the State and local level, deserve the equal treatment this amendment will provide.

Mr. CASEY. Mr. President, today I wish to discuss what more we can do to prevent the scourge of suicides among our servicemembers. I have been concerned for quite some time about the physical and psychological challenges facing the men and women who serve in our military, including the unique challenges faced by members of the National Guard and Reserve.

Despite a variety of programs to address the rate of suicide among National Guard and Reserve personnel, current statistics raise ongoing concerns about what more we can do to address this serious issue. In 2011, 165 Active-Duty soldiers and 118 Guard and Reservists took their lives, and the Army is on track to meet or surpass the same number of suicide related deaths again this year.

I appreciate that the Armed Services Committee has included Section 512 in the fiscal year 2013 National Defense Authorization Act, which establishes a suicide prevention and resiliency program specifically for the reserve component of the military. In order for these programs to succeed, all members of a community must work together and watch out for one another. This includes involving the private sector and universities, who can contribute valuable resources. I would note that the Department’s Office of Suicide Prevention, in carrying out Section 512 and 722 of this bill, must work with private sector and university partners to develop and implement suicide prevention training for community-based organizations, including schools, hospitals, religious organizations and employers, to raise awareness and provide tools for intervention to members of the National Guard and Reserve and their families. Universities and researchers, including those throughout Pennsylvania, have explored this issue and stand ready to support our returning servicemembers.

This is a national challenge and Congress must work hand in hand with the Departments of Defense and Veterans Affairs as well with State and local community leaders to end this terrible epidemic.

#### AMENDMENT NO. 3232

Mr. SCHUMER. Madam President, I would first like to take this time to thank my colleagues Senator MENENDEZ and Senator KIRK for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran’s rogue nuclear program and for working to put together the final text of this amendment.

Look, time’s a-wasting, so we need to ratchet up the sanctions now.

And rest assured—this is a powerful package that will paralyze the Iranian economy.

I believe that when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the preferred and probably most effective way to choke Iran’s nuclear ambitions.

It should come as no surprise that today the head of International Atomic Energy Agency, IAEA, suggested that his inspectors in Iran are coming under increased duress amid fears that the Iranian regime might be aspiring to make atomic arms. And according to published reports, Iran could have at least one workable nuclear weapon by next year and another maybe 6 months after that. This cannot be allowed!

Additionally, the IAEA has reported that Iran possesses a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb.

Earlier this year, Director of National Intelligence Jim Clapper told the Senate Intelligence Committee that Iran’s leaders seem prepared to attack U.S. interests overseas.

Just last year we saw U.S. authorities successfully thwart an Iranian plot to assassinate the Saudi ambassador in this very city.

So by giving the administration the capability to tighten their crippling sanctions on Iran should they continue with their nuclear weapons program, the Senate is continuing to address the very real threat Iran poses to the United States and our allies, particularly Israel.

And make no mistake—after Hamas initiated their bloody rocket attacks against innocent civilians in Israel last month, who did they thank afterwards? They actually thanked Iran for their support in helping make “Israel scream with pain.” Iran sends rockets to terrorist groups to kill innocent civilians. That is just one out of many reasons why the international community just cannot allow Iran to have a nuclear weapons capability.

This bill will do several important things to strangle Iran’s ability to continue with its illegal nuclear program.

First, it designates Iran’s energy, port, shipping, and shipbuilding sectors as “entities of proliferation concern” due to the role they play in supporting Iran’s proliferation activities.

Secondly, it blocks and prohibits all transactions in property in the United States by any person who is part of Iran’s energy, port, and shipping sectors.

Additionally, it sanctions the sale, supply, and transfer of certain materials and precious metals to Iran.

And importantly, this bill sanctions foreign financial institutions for knowingly conducting transactions on behalf of any sanctioned Iranian person.

Mr. President, I believe my colleagues Senator MENENDEZ and Senator KIRK have done an excellent job ensuring that the administration has the tools they need to put a stop to Iran’s rogue nuclear program.

I strongly urge my colleagues to support this amendment.

Mrs. HAGAN. Madam President, as we conclude our work on S. 3254, the fiscal year 2013 National Defense Authorization Act, I would like to draw attention to yet another important role my State is playing in our national defense.

North Carolina is home to the two major lithium suppliers in the United States. Not only are these important employers in my State, but they are serving our defense industry with critical materials that are vital to our Nation’s defense capabilities both now and in the future.

The Defense Department has recognized through its Defense Production Act Title III office that “Li Ion batteries are extremely attractive to military customers with the most demanding set of requirements such as the space/satellite communities for spacecraft applications and the Special Operation forces.”

Lithium metal is an important component in a wide range of defense applications. For over a decade, the US

military has been widely using non-rechargeable—primary—lithium batteries to provide power for mines, missiles, torpedoes, sonobuoys, guided artillery, fuses, communication devices, countermeasure devices, global positioning systems, and guidance systems. Presently, primary lithium batteries are the power source of choice for a majority of devices that a servicemember uses in combat and realistic training operations. An infantryman on a 72-hour mission in Afghanistan carries around 30 pounds of batteries. Lithium metal used in these defense applications affords today's Armed Forces fluid movement on the battlefield and in remote areas.

We need to remain vigilant to the world's lithium supply situation. Off-shore suppliers of lithium are poised to expand their capacity at the risk of domestic U.S. lithium production capability. It will be essential to our future national defense needs that we are able to protect and enhance our domestic supply chain of battery-grade lithium metal.

Mr. President, I recognize the importance of this industry to our Nation's defense. I am proud that over 600 men and women in my State are dedicated to creating these critical materials for our Armed services and urge that we continue to recognize the essential role this industry plays in our future defense strategies.

AMENDMENT NO. 3291

Mr. PRYOR. Madam President, I want to thank Chairman LEVIN and Ranking Member MCCAIN for the work they have done on the National Defense Authorization and for working with me on this amendment.

This bipartisan amendment, the Helping Iraq and Afghanistan Veterans Return to Employment, HIRE, at Home Act, introduced by myself and Senator JOHANNES encourages states to consider the training servicemembers receive during active duty when determining eligibility for State licenses and certifications.

This amendment will encourage States to consider the specialized military training and experience servicemembers acquire on active duty as filling all or some of the State certification and licensing requirements. Specifically, the amendment will apply to individuals seeking employment as commercial truck drivers, certified nursing assistants or emergency medical technicians.

By eliminating the expensive and time consuming hurdles servicemembers often face, this amendment will help ensure our returning veterans come home to new job opportunities and help lower the high unemployment rate among our young veterans.

Mr. CARDIN. Madam President, I rise in support of the National Defense Authorization Act, NDAA, for Fiscal Year 2013. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this legislation to the floor. The Senate has passed the

NDAA every year for over one-half century. Senators LEVIN and MCCAIN have played a key role on NDAA over the past several years, and I am grateful for their dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

I am pleased that NDAA, as amended, includes three of my amendments, including a sense of the Senate resolution regarding conflict-induced displacements in Afghanistan. As Afghan refugees are being pushed into faster repatriation, they are often forced into returning to a country where they have little or no hope. In particular, Pakistan, which has hosted Afghan refugees for more than 30 years, plans to cancel refugee status for the 3 million Afghans at the end of this year. Forcing these refugees back into Afghanistan would only exacerbate the crisis for a country that is still struggling with an ongoing insurgency, an economy dependent on U.S. foreign assistance, and the impending withdraw of NATO troops in 2014.

According to the United Nations High Commissioner for Refugees, UNHCR, more than 5.7 million refugees have returned to Afghanistan since 2002, increasing the population of the country by approximately 25 percent. In both urban and rural areas, however, more than 40 percent of the returnees have not integrated into their home communities. In addition to difficulties returning refugees face, internal displacement has been dramatically on the rise.

The conflict-induced displaced Afghans face numerous challenges due to continuing violence, tribal conflicts, lack of land tenure and housing, limited opportunities to earn a livelihood, and reduced access to public services and water. As winter approaches, I am especially concerned for the children who will be vulnerable to the harsh weather and illnesses likely to occur from living in such severe conditions. Last winter, there were many reports of children freezing to death in settlement camps and other temporary shelters.

The sense of the Senate resolution not only expresses these concerns for the dramatic rise in conflict-induced displacements in Afghanistan and the corresponding humanitarian needs; it also recommends that the Department of State's Bureau of Population, Refugees & Migration and the Special Representative for Afghanistan and Pakistan jointly develop a comprehensive strategy to address these displacement issues.

I am also pleased that the Senate passed my two amendments to add the Coast Guard to the current baseline NDAA sections addressing military diversity and military hazing. Nearly 2 years ago, the Military Leadership Diversity Commission issued a report with 20 recommendations to the Armed Forces, including the Coast Guard. The Commission found that the services' leadership does not reflect the diver-

sity of the enlisted members they lead or the American population they fight to protect. While the Coast Guard has made strides in addressing its lack of diversity among women and minorities, it still has significant obstacles to overcome. For instance, of the 91 graduates of the Coast Guard's Officer Candidate School last year, only five were African-American, four were Asian, and nine were Hispanic. The Coast Guard can and must do better to enhance diversity among its senior leadership, which will have a positive impact for generations to come. And like other branches of the Armed Forces, the Coast Guard continues to suffer from hazing incidents. Just last year, seven members of the Coast Guard were found to have tied down their fellow crew members and performed sexual hazing on them.

I am also pleased that the Senate adopted the Feinstein amendment, which restricts the ability of the U.S. Government to detain without charge or trial U.S. citizens or lawful permanent residents suspected of carrying out terrorist activities. The role our civilian-led military plays within the borders of the United States has always been balanced with the protections of civil liberties, civil rights, and the due process of law.

On the subject of detainees, however, I am disappointed that the Senate approved the Ayotte amendment, which prohibits the use of funds for transferring or releasing detainees from the detention facilities at Guantanamo Bay, Cuba, for prosecution and trial in the United States. In my view, any provision that extends the life of detention facilities at Guantanamo Bay unnecessarily sullies America's human rights record. The Ayotte amendment also represents a significant cost burden going forward for the U.S. Government, as it would force the Guantanamo Bay detention facility to remain open indefinitely. The Ayotte amendment also handicaps our Federal courts. Our Federal courts—unlike military tribunals—have an excellent track record of trying and convicting the most dangerous criminals and terrorists in the world, and Congress should not tie the hands of our law enforcement and intelligence agencies to use our Article III courts. Our Federal prison system can also securely hold for life those convicted of terrorism offenses.

When it comes to personnel issues, I support the baseline NDAA bill, which will improve the quality of life for our men and women in uniform and their families. The bill provides a 1.7-percent pay increase for all Active, Reserve, and Guard servicemembers. The bill prevents the Department of Defense from increasing TRICARE deductibles and annual catastrophic caps and levying enrollment fees for TRICARE Standard and TRICARE for Life. Also, the bill further advances service opportunities for women by directing the Secretary of Defense to make further regulatory and statutory changes in

combat-related restrictions. Finally, I want to commend the Senate Armed Services Committee for authorizing veterans to participate in the Transition Assistance Program for 1 year after their discharge so that they can be better prepared to lead a productive civilian life.

On another crucial personnel matter, however, I am deeply disappointed that the Senate defeated my amendment to prevent an across-the-board cut to the Defense civilian workforce that could lead to an additional 36,000 government job losses in the coming years. These cuts—on top of cuts that already will occur—would be made without consideration to required workload, mission, or funding as currently required by law. The Senate version of NDAA, if unchanged, will force an arbitrary, sequestration-type of cut in the DOD's civilian workforce, injuring the defense industrial base and undermining economic recovery. There is a better way to make judicious personnel decisions in the Department of Defense than the bill's section 341. I hope the NDAA conferees will heed the administration's deep concerns with regard to section 341, which the House NDAA—H.R. 4310—does not include.

A bill this large and complex won't please everybody entirely. I have just outlined some of the provisions I support and some of the provisions I don't support. I will vote to pass NDAA to advance it to conference. H.R. 4310, like S. 3254, has good and bad provisions, in my estimation. For instance, it contains provisions that further restrict the transfer of Guantanamo detainees into the United States or foreign countries, and it limits the administration's ability to implement the New START Treaty or to set U.S. nuclear weapon policy to further nuclear force reduction. But, on the other hand, it doesn't contain section 341. I hope the legislation the conferees report will be something I can support.

Mr. LEVIN. Madam President, I will be very brief. I feel so grateful and so proud that the tradition of our committee and this Senate has been maintained on our 51st consecutive Defense authorization bill, a bill that is so vitally important to the Nation. I am grateful to all of our colleagues for working on a bipartisan basis through the normal and open legislative process to produce this bill. I am grateful to stand here with my partner, Senator MCCAIN—we worked together on this bill—to all of the members of the committee, to our staff and the floor and cloakroom staff. We passed over 100 amendments. It was a process that allowed us to be just as accommodating as we humanly could.

One person I wish to single out as someone who has worked for the committee for 41 years—this will be her last year—is Chris Cowart. She is our chief clerk, and I would like to take an additional 2 seconds to mention her name as a symbol of the staff for whom we are so grateful.

I don't know if Senator MCCAIN is here, but I know that I speak for him about our staffs and about our colleagues on the committee.

I yield the floor.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yes 98, nays 0, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—98

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

NOT VOTING—2

Kirk Rockefeller

The bill (S. 3254), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Committee on Armed Services is discharged from further consideration of H.R. 4310, and the Senate will proceed to the consideration of the measure, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4310) 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.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 3254 as passed is inserted in lieu thereof.

The clerk will read the title of the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, H.R. 4310, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees:

Mr. LEVIN, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to calendar No. 552, H.R. 6156, which is the Russia-Moldova trade agreement.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 552, H.R. 6156, an act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

#### NATIONAL DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I wish to thank the chairman for his patience in allowing this legislation to be completed. I would note that there were 145 amendments and many recorded votes and good debate and discussion over very important issues.

I also wish to say thank you to the majority leader.

I wish to note the good work of the staff, showing again that work release programs can be successful.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if I could say a word, I was looking for an opportunity to express my appreciation to the two managers of this bill.

This has been hard, but they have done an excellent job. There is nothing