

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 28, 2012
SPONSOR OF AMENDMENT: McCain Amendment No. 3051
PURPOSE OF AMENDMENT: To authorize additional Marine Corps personnel for the performance of security functions for United States embassies, consulates, and other diplomatic facilities abroad

TEXT OF AMENDMENT:

(Purpose: To authorize additional Marine Corps personnel for the performance of security functions for United States embassies, consulates, and other diplomatic facilities abroad)
 At the end of subtitle A of title IV, add the following:
SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.
(a) ADDITIONAL PERSONNEL.—
 (1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.
 (2) **PURPOSE.**—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.
(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.
(c) FUNDING.—
 (1) **BUDGET REQUESTS.**—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements,

under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:
 (A) The Marine Corps.
 (B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).
(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.
(d) REPORTS.—
 (1) **REPORTS ON PROGRAM.**—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:
 (A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—
 (i) any increased internal security provided at United States embassies and consulates throughout the world;
 (ii) any increased support for emergency action planning, training, and advising of host nation security forces; and
 (iii) any expansion of intelligence collection activities.
 (B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.
 (D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.
 (E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.
(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—
 (A) notify Congress of such modification and the change in the nature of threats prompting such modification; and
 (B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 28, 2012
SPONSOR OF AMENDMENT: Reid (for Udall (CO)) Amendment No. 2985
PURPOSE OF AMENDMENT: To strike section 313, relating to a limitation on the availability of funds for the procurement of alternative fuel

TEXT OF AMENDMENT:

To strike section 313, relating to a limitation on the availability of funds for the procurement of alternative fuel:

Strike section 313.

DISPOSITION: Passed by roll call vote, 62-37.

YEAS—62	Lieberman	Coats
Akaka	Lugar	Coburn
Baucus	McCaskill	Corker
Begich	Menendez	Cornyn
Bennet	Merkley	Crapo
Bingaman	Mikulski	DeMint
Blumenthal	Moran	Enzi
Blunt	Murkowski	Graham
Boxer	Murray	Hatch
Brown (OH)	Nelson (NE)	Heller
Cantwell	Nelson (FL)	Hutchison
Cardin	Pryor	Inhofe
Carper	Reed	Isakson
Casey	Reid	Johnson (WI)
Cochran	Rockefeller	Kyl
Collins	Sanders	Lee
Conrad	Schumer	Manchin
Coons	Shaheen	McCain
Durbin	Snowe	McConnell
Feinstein	Stabenow	Paul
Franken	Tester	Portman
Gillibrand	Thune	Risch
Grassley	Udall (CO)	Roberts
Hagan	Udall (NM)	Rubio
Harkin	Warner	Sessions
Hoeven	Whitehouse	Shelby
Inouye	Wyden	Toomey
Johanns		Vitter
Johnson (SD)	NAYS—37	Webb
Kerry	Alexander	Wicker
Klobuchar	Ayotte	
Kohl	Barrasso	NOT VOTING—1
Landrieu	Boozman	Kirk
Lautenberg	Brown (MA)	.
Leahy	Burr	
Levin	Chambliss	

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 28, 2012
SPONSOR OF AMENDMENT: Gillibrand Amendment No. 3016
PURPOSE OF AMENDMENT: To provide for the processing for administrative separation from the Armed Forces of members who are convicted of certain sexual offenses under the Uniform Code of Military Justice and not punitively discharged in connection with such convictions

TEXT OF AMENDMENT:

On page 138, strike lines 14 through 20 and insert the following:

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 28, 2012
SPONSOR OF AMENDMENT: Murray Amendment No. 3099
PURPOSE OF AMENDMENT: To improve mental health care programs and activities for members of the Armed Forces and veterans

TEXT OF AMENDMENT:

[See following 10 pages for text.]

DISPOSITION: Passed by voice vote.

At the end of title VII, add the following:

Subtitle E—Mental Health Care Matters

SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) ELEMENTS.—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers

in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) CONSULTATION.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) IMPLEMENTATION BY THE ARMED FORCES.—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense,

modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) **QUALITY ASSURANCE.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION

BOARDS, PHYSICAL EVALUATION

BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) **IN GENERAL.**—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

- (1) Medical Evaluation Boards (MEBs).
- (2) Physical Evaluation Boards (PEBs).
- (3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) **OBJECTIVES.**—The objectives of the quality assurance program shall be as follows:

- (1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.
- (2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.
- (3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) **REPORTS.**—

(1) **REPORT ON IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) **ANNUAL REPORTS.**—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

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

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL

HEALTH CARE BENEFITS

UNDER THE TRICARE PROGRAM.

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) **REPORT.**—The contract required by subsection

(a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) **DEFINITIONS.**—In this section:

- (1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.
- (2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS

AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) **CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.**—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated

electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the

Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

SEC. 757. RESEARCH AND MEDICAL PRACTICE ON

MENTAL HEALTH CONDITIONS.

(a) DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection

(b).

(b) RESPONSIBILITIES.—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs

on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection

(a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) ANNUAL REPORTS.—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) VETERANS.—

(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) VETERAN DEFINED.—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive

set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph

(1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs

(A) through (C), specific, detailed recommendations—
(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.—

The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) PERIODIC REPORTS TO SECRETARY.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) REPORTS TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) PUBLICATION.—

(1) IN GENERAL.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) QUARTERLY UPDATES.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) SEMIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

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

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following:

“Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”;

and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with

an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

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

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary’s responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel

employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection

(a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS

AFFAIRS TO FURNISH MENTAL

HEALTH CARE THROUGH FACILITIES

OTHER THAN VET CENTERS

TO IMMEDIATE FAMILY MEMBERS

OF MEMBERS OF THE ARMED

FORCES DEPLOYED IN CONNECTION

WITH A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—

A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

SEC. 762. ORGANIZATION OF THE READJUSTMENT

COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7309. Readjustment Counseling Service

“(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of

this title.

“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administrating direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary’s plan for meeting such unmet need.

“(f) VET CENTER DEFINED.—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY

ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat

experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

SEC. 764. PEER SUPPORT.

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking “may” and inserting “shall”.

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163)”.

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—

The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM

AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

SA 3100. Mr. JOHNSON of South Dakota submitted an amendment intended

to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

“CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

“Sec

“150401. Organization

“150402. Purposes

“150403. Membership

“150404. Board of directors

“150405. Officers

“150406. Nondiscrimination

“150407. Powers

“150408. Exclusive right to name, seals, emblems, and badges

“150409. Restrictions

“150410. Duty to maintain tax-exempt status

“150411. Records and inspection

“150412. Service of process

“150413. Liability for acts of officers and agents

“150414. Failure to comply with requirements

“150415. Annual report

“§ 150401. Organization

“The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the ‘corporation’), is a federally chartered corporation.

“§ 150402. Purposes

“The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

“(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

“(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

“(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

“(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

“(5) to serve as an advocate for the needs

of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

“(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

“(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

“(A) providing outreach service to those Tribes in need; and

“(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

“§ 150403. Membership

“Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

“§ 150404. Board of directors

“Subject to section 150406 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

“§ 150405. Officers

“Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

“§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

“§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

“§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and badges as the corporation may lawfully adopt.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

“§ 150409. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—

(1) No part of the income or assets of the corporation

shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

“(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

“(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

“(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

“§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

“§ 150411. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete books and records of accounts;

“(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

“(3) at its principal office, a record of the names and addresses of all members having the right to vote.

“(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

“(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150412. Service of process

“With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

“§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

“§ 150415. Annual report

“(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

“(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by insert after the item relating to chapter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated150401”.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 28, 2012
SPONSOR OF AMENDMENT: Leahy Amendment No. 2955
PURPOSE OF AMENDMENT: To improve the Public Safety Officers' Benefits Program

TEXT OF AMENDMENT:

[See next 3 pages for text of amendment .]

DISPOSITION: Passed by roll call vote, 85-11.

[Rollcall Vote No. 207 Leg.]

YEAS—85

Akaka
Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Collins
Conrad
Coons
Crapo
Durbin
Enzi
Feinstein
Franken
Gillibrand
Grassley
Hagan
Harkin
Hatch
Heller

Hoeven
Hutchison
Inouye
Isakson
Johanns
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Manchin
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Portman
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Rubio
Sanders
Schumer

Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker

NAYS—11

Coats
Coburn
Corker
Cornyn
DeMint
Graham
Inhofe
Johnson (WI)
Kyl
Lee
McCain

NOT VOTING—4

Bingaman
Kirk
Paul
Wyden

At the appropriate place, insert the following:

SEC. III. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Dale Long Public Safety Officers’ Benefits Improvements Act of 2012”.

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:”

and all that follows and inserting the following:

“follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(ii) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate

result of a personal”;

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;

(V) by striking “the total” and all that follows through “For” and inserting “for”; and (VI) by striking “That these” and all that

follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4–622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “. Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular

rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a–1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;”;

(v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a

chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections

(b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d–1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d–2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d–5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed

by such agency”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—

Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(c) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS;

APPEALS.—The matter under

the heading “PUBLIC SAFETY OFFICERS BENEFITS”

under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”; and

(3) by striking the period at the end and inserting the following: “: *Provided further,*

That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further,* That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter

pending on, or filed or accruing after, the effective date specified in the regulations.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Kohl/Boozman) Amendment No. 2888
PURPOSE OF AMENDMENT: To provide for the payment of a benefit for the nonparticipation of eligible members in the Post-Deployment/Mobilization Respite Absence program due to Government error

TEXT OF AMENDMENT:

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

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

- (a) PAYMENT OF BENEFIT.—
- (1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.
- (2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—
- (A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but
- (B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.
- (b) DECEASED INDIVIDUALS.—
- (1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.
- (2) PAYMENT.—If an individual to whom

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

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection

shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

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

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

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

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

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance

Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Manchin) Amendment No. 2924
PURPOSE OF AMENDMENT: To require an additional element in the report on the accuracy of the Defense Enrollment Eligibility Reporting System

TEXT OF AMENDMENT:

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Webb) Amendment No. 2949
PURPOSE OF AMENDMENT: To extend the temporary increase in accumulated leave carryover for members of the Armed Forces

TEXT OF AMENDMENT:

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Wyden) Amendment No. 2960
PURPOSE OF AMENDMENT: To require a report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty

TEXT OF AMENDMENT:

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

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

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

(b) **ELEMENTS.**—

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

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

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

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

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

(iii) disparities in amounts of time required

to properly access services and to take care of personal affairs, including travel time; and

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

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

(C) Disparities in the lengths of time of deployment

between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover

from combat and training stress.

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

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

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required

by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Sessions) Amendment No. 2963
PURPOSE OF AMENDMENT: To authorize the posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army

TEXT OF AMENDMENT:

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Heller) Amendment No. 2969
PURPOSE OF AMENDMENT: To require a report on the future availability of TRICARE Prime throughout the United States

TEXT OF AMENDMENT:

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

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

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

(b) **ELEMENTS.**—The report required by subsection

(a) shall include the following:

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

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

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Hoeven) Amendment No. 2991
PURPOSE OF AMENDMENT: To express the sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems

TEXT OF AMENDMENT:

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

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

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

- (1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.
- (2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.
- (3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

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

- (1) the United States should maintain a triad of strategic nuclear delivery systems; and
- (2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Barrasso) Amendment No. 3083
PURPOSE OF AMENDMENT: To authorize the Secretary of Defense to maintain the readiness and flexibility of the intercontinental ballistic missile force

TEXT OF AMENDMENT:

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

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

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

- (1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;
- (2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and
- (3) preserve intercontinental ballistic missile silos in operational or warm status.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Cornyn Amendment No. 3158
PURPOSE OF AMENDMENT: To require the Secretary of Veterans Affairs to submit to Congress a plan to reduce the current backlog of veterans claims.

TEXT OF AMENDMENT:

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

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

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

- (1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.
- (2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.
- (3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.
- (4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.
- (5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—
 - (A) to assist veterans whose claims are already backlogged to complete development of those claims; and
 - (B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.
- (6) The common goal of the two initiatives of the Texas Veterans Commission, called the "Texas State Strike Force Team" and the "Fully Developed Claims Team Initiative", is to reduce the backlog of claims pending in Texas by 17,000 within one year.
- (7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.
- (8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations "and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans."
- (9) At the same hearing, Mr. John Limpose, director of the regional office of the Department

of Veterans Affairs in Waco, Texas, testified that the "TVC is working very, very well" with regional offices of the Department in Texas, calling the Texas Veterans Commission a "very positive story that we can branch out into . . . all of our stakeholders."

(b) REPORT.—

- (1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.
- (2) CONTENTS.—The report required by paragraph (1) shall include the following:
 - (A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.
 - (B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:
 - (i) State and local agencies relating to veterans affairs.
 - (ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.
 - (iii) Such other relevant government and non-government entities as the Secretary considers appropriate.
 - (C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.
 - (D) A description of what steps the Secretary has taken and will take—
 - (i) to expedite the processing of claims that are already fully developed at the time of submittal; and
 - (ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.
 - (E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

DISPOSITION: Passed by roll call vote, 95-0.

[Rollcall Vote No. 208 Leg.]

YEAS—95

Akaka
Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Conrad
Coons
Corker
Cornyn
Crapo
Durbin
Enzi
Feinstein

Franken
Gillibrand
Graham
Grassley
Hagan
Harkin
Hatch
Hoeven
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lee
Levin
Lieberman
Lugar
Manchin
McCain
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray

Nelson (NE)
Nelson (FL)
Paul
Portman
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Rubio
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker

NOT VOTING—5

DeMint
Heller
Kirk
McCaskill
Wyden

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Hagan Amendment No. 3095
PURPOSE OF AMENDMENT: To strike the prohibition on biofuel refinery construction
TEXT OF AMENDMENT:

Strike section 2823.

DISPOSITION: Passed by roll call vote, 54-41.

YEAS—54

Akaka
 Baucus
 Begich
 Bennet
 Bingaman
 Blumenthal
 Boxer
 Brown (OH)
 Cantwell
 Cardin
 Carper
 Casey
 Collins
 Conrad
 Coons
 Durbin
 Feinstein
 Franken
 Gillibrand
 Grassley
 Hagan
 Harkin
 Inouye
 Johanns
 Johnson (SD)
 Kerry
 Klobuchar
 Kohl
 Landrieu
 Lautenberg
 Leahy
 Levin
 Lieberman
 Lugar
 Wyden

Manchin
 Menendez
 Merkley
 Mikulski
 Murray
 Nelson (NE)
 Nelson (FL)
 Pryor
 Reed
 Reid
 Rockefeller
 Sanders
 Schumer
 Shaheen
 Stabenow
 Tester
 Udall (CO)
 Udall (NM)
 Warner
 Whitehouse

NAYS—41

Alexander
 Ayotte
 Barrasso
 Blunt
 Boozman
 Brown (MA)
 Burr
 Chambliss
 Coats
 Coburn
 Cochran
 Corker

Cornyn
 Crapo
 Enzi
 Graham
 Hatch
 Hoeven
 Hutchison
 Inhofe
 Isakson
 Johnson (WI)
 Kyl
 Lee
 McCain
 McConnell
 Moran
 Murkowski
 Paul
 Portman
 Risch
 Roberts
 Rubio
 Sessions
 Shelby
 Snowe
 Thune
 Toomey
 Vitter
 Webb
 Wicker

NOT VOTING—5

DeMint
 Heller
 Kirk
 McCaskill

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Portman Amendment No. 2995
PURPOSE OF AMENDMENT: To enhance authorities relating to the admission of defense industry civilians to certain Department of Defense educational institutions and programs

TEXT OF AMENDMENT:

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

SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”;

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”;

and

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Webb) Amendment No. 2948
PURPOSE OF AMENDMENT: To extend the authority to provide a temporary increase in rates of basic allowance for housing under certain circumstances

TEXT OF AMENDMENT:

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

**SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE
TEMPORARY INCREASE IN
RATES OF BASIC ALLOWANCE FOR
HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2012" and inserting "December 31, 2013".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Sessions) Amendment No. 2962
PURPOSE OF AMENDMENT: To express the sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy of the Secretary of Defense

TEXT OF AMENDMENT:

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

SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL

TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

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

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that “I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats”, and that “[a]gainst current threats from the Middle East, I am confident we are well postured”.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does “not know if Iran will eventually decide to build nuclear weapons”, it judges “that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon”. He also testified that “Iran already

has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload”.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, “Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads”, and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that “Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies”, and that “[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015”.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

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

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Inhofe) Amendment No. 2971
PURPOSE OF AMENDMENT: To express the sense of the Senate on the protection of Department of Defense airfields, training airspace, and air training routes

TEXT OF AMENDMENT:

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

SEC. 1084. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.

It is the sense of the Senate that—

- (1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;
- (2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and
- (3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Casey) Amendment No. 2986
PURPOSE OF AMENDMENT To require contractors to notify small business concerns that they have been included in offers relating to contracts let by Federal agencies,

TEXT OF AMENDMENT:

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

SEC. III. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Murray/Burr) Amendment No. 2989
PURPOSE OF AMENDMENT: To extend the authority of the Secretary of Veterans Affairs and the Secretary of Labor to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions

TEXT OF AMENDMENT:

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

**SEC. 1084. EXTENSION OF AUTHORITIES TO
CARRY OUT A PROGRAM OF REFERRAL
AND COUNSELING SERVICES TO
VETERANS AT RISK OF HOMELESSNESS
WHO ARE TRANSITIONING
FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking "September 30, 2012" and inserting "September 30, 2013".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Vitter) Amendment No. 3085
PURPOSE OF AMENDMENT: To require additional elements in the plan on the rationalization of cyber networks and cyber personnel of the Department of Defense

TEXT OF AMENDMENT:

On page 306, between lines 2 and 3, insert the following:
(3) **ADDITIONAL ELEMENTS.**—In developing the plan required by paragraph (1), the Secretary shall also—
(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and
(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Coburn) Amendment No. 3110
PURPOSE OF AMENDMENT: To require a report on the balances carried forward by the Department of Defense at the end of fiscal year 2012

TEXT OF AMENDMENT:

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD
BY THE DEPARTMENT OF DEFENSE
AT THE END OF FISCAL YEAR
2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

- (1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.
- (2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.
- (3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Manchin) Amendment No. 3166
PURPOSE OF AMENDMENT: To require a report on the future of family support programs of the Department of Defense

TEXT OF AMENDMENT:

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

SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection

(a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Boxer) Amendment No. 2981
PURPOSE OF AMENDMENT: To prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense

TEXT OF AMENDMENT:

**SEC. 526. PROHIBITION ON WAIVER FOR COMMISSIONING
OR ENLISTMENT IN THE
ARMED FORCES FOR ANY INDIVIDUAL
CONVICTED OF A FELONY
SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

- (1) Rape.
- (2) Sexual abuse.
- (3) Sexual assault.
- (4) Incest.
- (5) Any other sexual offense.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Merkley Modified Amendment No. 3096
PURPOSE OF AMENDMENT: To express the sense of Congress on the accelerated transition of United States combat and military and security operations to the Government of Afghanistan

TEXT OF AMENDMENT:

The amendment (No. 3096), as modified, is as follows:

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

SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should, in coordination

with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end

of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent

with a safe and orderly draw down of United States troops in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan

to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012 [see also further action on December 3, 2012---Vote #132]
SPONSOR OF AMENDMENT: Blumenthal Modified Amendment No. 3124
PURPOSE OF AMENDMENT: To prevent human trafficking in government contracting

TEXT OF AMENDMENT:

At the end of title VIII, add the following:

Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

SEC. 892. DEFINITIONS.

In this subtitle:

- (1) **COMMERCIAL SEX ACT.**—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation) .
- (2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.
- (3) **SUBCONTRACTOR.**—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.
- (4) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.
- (5) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).
- SEC. 893. CONTRACTING REQUIREMENTS.**
- (a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—
- “(i) severe forms of trafficking in persons;
- “(ii) the procurement of a commercial sex act during the period of time that the grant,

contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating,

or otherwise denying an employee access to that employee’s identity or immigration documents.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required

to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this

section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Inhofe Amendment No. 2972
PURPOSE OF AMENDMENT: To express the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance

TEXT OF AMENDMENT:

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

**SEC. 1084. SENSE OF CONGRESS THAT THE
BUGLE CALL COMMONLY KNOWN AS
TAPS SHOULD BE DESIGNATED AS
THE NATIONAL SONG OF MILITARY
REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Gillibrand Modified Amendment No. 3058
PURPOSE OF AMENDMENT: To provide for certain treatment of autism under the TRICARE program

TEXT OF AMENDMENT:

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

SEC. 704. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

“§ 1077a. Treatment of autism under the TRICARE program

“(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) REQUIREMENTS IN PROVISION OF SERVICES.—

In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of

the Department of Defense.

“(d) CONSTRUCTION WITH OTHER BENEFITS.—(

1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$45,000,000.

DISPOSITION: Passed by roll call vote, 66-29.

YEAS—66	Udall (CO)
Akaka	Udall (NM)
Ayotte	Warner
Baucus	Webb
Begich	Whitehouse
Bennet	
Bingaman	
Blumenthal	NAYS—29
Boxer	Alexander
Brown (MA)	Barrasso
Brown (OH)	Blunt
Cantwell	Boozman
Cardin	Burr
Carper	Coburn
Casey	Cochran
Chambliss	Corker
Coats	Cornyn
Collins	Crapo
Conrad	Enzi
Coons	Graham
Durbin	Hoeven
Feinstein	Inhofe
Franken	Johanns
Gillibrand	Johnson (WI)
Grassley	Kyl
Hagan	Lee
Harkin	McCain
Hatch	Nelson (NE)
Hutchison	Paul
Inouye	Portman
Isakson	Risch
Johnson (SD)	Sessions
Kerry	Shelby
Klobuchar	Thune
Kohl	Toomey
Landrieu	Vitter
Leahy	Wicker
Levin	
Lieberman	
Lugar	NOT VOTING—5
Manchin	DeMint
McCaskill	Heller
McConnell	Kirk
Menendez	Lautenberg
Merkley	Wyden
Mikulski	
Moran	
Murkowski	
Murray	
Nelson (FL)	
Pryor	
Reed	
Reid	
Roberts	
Rockefeller	
Rubio	
Sanders	
Schumer	
Shaheen	
Snowe	
Stabenow	
Tester	

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Portman/Akaka Amendment No. 2956
PURPOSE OF AMENDMENT: To require a report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection

(a) shall include the following:

- (1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.
- (2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.
- (3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Whitehouse Amendment No. 3180
PURPOSE OF AMENDMENT: To provide for scientific frameworks with respect to recalcitrant cancers

TEXT OF AMENDMENT:

At the appropriate place, insert the following:

SEC. II. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

“(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described

in clause (i).

“(iv) COORDINATED RESEARCH INITIATIVES.—

The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—

The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses

(I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—

Recommendations for appropriate actions that should be taken to advance research in the areas described

in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—

Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—
Developing
additional public and private resources
described
in subparagraph (A)(v) and strengthening
existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND
SUBSEQUENT
UPDATE.—For each recalcitrant cancer
identified

under subsection (b)(1), the Director of
the Institute shall—

“(i) develop a scientific framework under
this subsection not later than 18 months
after the date of the enactment of this
section;

and

“(ii) review and update the scientific
framework not later than 5 years after its
initial development.

“(B) OTHER UPDATES.—The Director of
the
Institute may review and update each
scientific
framework developed under this subsection
as necessary.

“(4) PUBLIC NOTICE.—With respect to
each
scientific framework developed under
subsection

(a), not later than 30 days after the
date of completion of the framework, the
Director
of the Institute shall—

“(A) submit such framework to the
Committee
on Energy and Commerce and Committee
on Appropriations of the House of
Representatives, and the Committee on
Health, Education, Labor, and Pensions and
Committee on Appropriations of the Senate;
and

“(B) make such framework publically
available on the Internet website of the
Department
of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT
CANCER.—

“(1) IN GENERAL.—Not later than 6 months
after the date of the enactment of this
section,
the Director of the Institute shall identify
two or more recalcitrant cancers that
each—

“(A) have a 5-year relative survival rate of
less than 20 percent; and

“(B) are estimated to cause the death of at
least 30,000 individuals in the United States

per year.

“(2) ADDITIONAL CANCERS.—The
Director of
the Institute may, at any time, identify
other recalcitrant cancers for purposes of
this section. In identifying a recalcitrant
cancer pursuant to the previous sentence,
the Director may consider additional
metrics of progress (such as incidence and
mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each
recalcitrant
cancer identified under subsection
(b), the Director of the Institute shall
convene
a working group comprised of
representatives
of appropriate Federal agencies
and other non-Federal entities to provide
expertise

on, and assist in developing, a scientific
framework under subsection (a). The
Director of the Institute (or the Director’s
designee) shall participate in the meetings
of
each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of
NIH shall ensure that each biennial report
under section 403 includes information on
actions
undertaken to carry out each scientific
framework developed under subsection (a)
with respect to a recalcitrant cancer,
including
the following:

“(A) Information on research grants
awarded by the National Institutes of Health
for research relating to such cancer.

“(B) An assessment of the progress made in
improving outcomes (including relative
survival
rates) for individuals diagnosed with
such cancer.

“(C) An update on activities pertaining to
such cancer under the authority of section
413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT
FOR CERTAIN
FRAMEWORKS.—For each recalcitrant
cancer identified under subsection (b)(1),
the

Director of the Institute shall, not later than
6 years after the initial development of a
scientific

framework under subsection (a), submit
a report to the Congress on the
effectiveness

of the framework (including the update

required by subsection (a)(3)(A)(ii) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework

developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Lieberman) Modified Amendment No. 3090
PURPOSE OF AMENDMENT: To improve the provision of assistance to fire departments and to reauthorize the United States Fire Administration

TEXT OF AMENDMENT:

The amendment (No. 3090), as modified, is as follows:

At the end of division A, add the following:

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization
SEC. 1801. SHORT TITLE.

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

- (1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;
- (2) in paragraph (4), by striking “ ‘Director’ means” and all that follows through “ ‘Agency;” and inserting “ ‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;
- (3) in paragraph (5)—
 - (A) by inserting “ ‘Indian tribe,” after “county;” and
 - (B) by striking “and ‘fire control’ ” and inserting “ ‘and ‘fire control’ ”;
- (4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;
- (5) by inserting after paragraph (5), the following:

“ (6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;
- (6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);
- (7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“ (9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;
- and
- (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“ (10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

- (1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “ ‘Director’ ” each place it appears and inserting “ ‘Administrator of FEMA’ ”.
- (2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “ ‘Director’s Award’ ” each place it appears and inserting “ ‘Administrator’s Award’ ”.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

“ **SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

- “(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.
- “(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations

in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

- “(A) paid firefighting personnel; and
- “(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means

achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant’s ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDED FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDED GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient’s ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION

AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(I) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance

assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION

GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section,

is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section

34(a)(1)(A) of such Act (15 U.S.C.

2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph

(1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph

(1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—

Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—

Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection

(a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE

OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days

after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection

(b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

- (1) \$600,000 for fiscal year 2013; and
- (2) \$600,000 for fiscal year 2014.

Subtitle B—Reauthorization of United States

Fire Administration

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps

as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C.

2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”;

and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for McCaskill) Amendment No. 2929
PURPOSE OF AMENDMENT: To improve authorities and limitations relating to wartime contracting and other acquisition-related provisions

TEXT OF AMENDMENT:

Strike section 822 and insert the following:
SEC. 822. PROHIBITION OF EXCESSIVE PASSTHROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph

(1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) **COVERED CONTRACT OR TASK ORDER DEFINED.**—In this section, the term “covered contract or task order” means a contract or task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) **EFFECTIVE DATE.**—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and
(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

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

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) **CONFORMING REPEAL.**—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

On page 250, between lines 15 and 16, insert the following:

SEC. 860. SHORT TITLE.

This subtitle may be cited as the “Wartime Contracting Reform Act of 2012”.

On page 254, strike lines 6 through 15 and insert the following:

(c) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations and the implementation of the regulations as the Comptroller General considers appropriate.

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

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and
(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

On page 254, strike lines 19 through 25 and insert the following:

(a) **REPORTS REQUIRED.**—

(1) **DEPARTMENT OF DEFENSE.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) **DEPARTMENT OF STATE AND USAID.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection

(b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

On page 255, line 9, insert “of an agency” after “Each report”.

On page 255, line 14, strike “the Department of Defense” and insert “the agency”.

On page 257, beginning on line 7, strike “the Secretary” and all that follows through “the Secretary” on line 9 and insert “the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be,”.

On page 257, after line 23, add the following:

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 864 and insert the following:

SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.

(a) COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) EXCEPTIONS.—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, \$250,000,000 in any fiscal year.

(3) TERMINATION OF EXCEPTIONS.—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded \$250,000,000 in a fiscal year.

(b) COMPREHENSIVE RISK ASSESSMENTS.—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

- (1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).
- (2) The continuity of the operation (such as

risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) RISK MITIGATION PLANS.—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) CRITICAL FUNCTIONS.—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations

of the House of Representatives.

(2) The term “covered agency” means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

On page 271, after line 20, add the following:

SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.

“(a) IN GENERAL.—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

“(b) INSPECTORS GENERAL.—The Inspectors General specified in this subsection are the Inspectors General as follows:

“(1) The Inspector General of the Department of Defense.

“(2) The Inspector General of the Department of State.

“(3) The Inspector General of the United States Agency for International Development.

“(c) STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

“(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

“(B) The other Inspectors General specified in subsection (b).

“(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

“(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

“(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

“(i) Audit and available inspection plans.

“(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

“(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

“(B) Each plan under this paragraph, and any update of such plan, shall be made available

on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

“(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the ‘Lead Inspector General’ for the contingency operation concerned).

“(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

“(e) RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

“(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

“(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

“(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

“(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

“(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

“(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

“(C) the activities under programs and operations

funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

“(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

“(A) To build or rebuild physical infrastructure.

“(B) To establish or reestablish a political or societal function or institution.

“(C) To provide products or services.

“(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(g) TEMPORARY EMPLOYMENT AUTHORITY.—(

1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection

(e) with respect to an overseas contingency operation.

“(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

“(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

“(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

“(h) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

“(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$250,000,000 (in constant fiscal year 2012 dollars); or

“(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

“(i) CONSTRUCTION OF AUTHORITY.—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘overseas contingency operation’ means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

“(2) The term ‘simplified acquisition threshold’ has the meaning provided that term in section 2302(7) of title 10, United States Code.’’.

(b) CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j) LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.—In addition to the meaning given that term in subsection (a), the term ‘temporary organization’ for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.’’.

SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.

(a) AGENCY REPORTS.—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the

United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) INSPECTOR GENERAL AUDITS.—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;”.

(b) DEFINITION.—Such section is further amended by adding at the following new subsection:

“(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”.

SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) DOS AND USAID REPORTS REQUIRED.—

Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to

the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection

(a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

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

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.

(a) PROFESSIONAL EDUCATION REQUIRED.—

The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) COVERED DEPARTMENT OF STATE PERSONNEL.—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting

personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 3312. Database on price trends of items and services under Federal contracts

“(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.—Subsection (b) of section 872

of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4555) is amended by inserting “(including a corporation)” after

“Any person” both places it appears.

(b) INFORMATION ON CORPORATIONS.—Subsection

(d) of such section is amended by adding at the end the following new paragraph:

“(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”

SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by

subsection (a) shall, at a minimum—

- (1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

- (2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

- (3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

- (1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

- (2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in

such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code. Strike section 881 and insert the following:

SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph

(B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a), the term “covered agency” means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, including with respect to contracts in connection with contingency operations” before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon;

and

(iii) by adding at the end the following new subparagraphs

“(D) a summary of suspensions, debarments, and administrative agreements

during the previous year; and

“(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—

The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section

101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549.”.

SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term “‘executive agency’” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “‘person’” has the meaning given that term in section 1 of title 1, United States Code.

Strike section 882 and insert the following:

SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—

Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

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

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States

Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term “‘appropriate committees of Congress’” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “‘executive agency’” has the meaning given that term in section 133 of title 41, United States Code.

Strike section 883 and insert the following:

SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review

of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

- (1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.
- (2) The range of items or services being acquired through the use of the exception.
- (3) The process for reviewing and approving justifications involving the exception.
- (4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.
- (5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.
- (6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

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

- (1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 1245 and insert the following:

SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

- (A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;
- (B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and
- (C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International

Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

- (A) An estimate of the total cost of the completed project to the United States.
- (B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.
- (C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.
- (D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.
- (E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.
- (F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned.

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

- (A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;
- (B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or
- (C) in the case of any other project, has an estimated value in excess of \$2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by

such Secretary or the Administrator, as the case may be, during such fiscal-year halfyear, including the elements of each capital project assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region

in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for McCaskill) Amendment No. 2942
PURPOSE OF AMENDMENT: To expand whistleblower protections to non-Defense contractor and grantee employees

TEXT OF AMENDMENT:

AMENDMENT NO. 2942

(Purpose: To expand whistleblower protections to non-Defense contractor and grantee employees)

On page 248, between lines 19 and 20, insert the following:

SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection

(a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines

that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay

the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement,

policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

“(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.’’.

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

“4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.’’.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking ‘‘commenced by the Federal Government or a State’’ and inserting ‘‘commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title’’; and

(2) in subsection (c)(3), by striking ‘‘the imposition of a monetary penalty’’ and inserting ‘‘the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title’’.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—

At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Boxer/Coburn) Amendment No. 3230
PURPOSE OF AMENDMENT: To reauthorize and modify the responsibilities of the United States Advisory Commission on Public Diplomacy through fiscal year 2014

TEXT OF AMENDMENT:

At the appropriate place, insert the following:

SEC. III. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C.

1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon

the completion of the assessment, the Commission shall the assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the Website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—

The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Hatch/Lee) Amendment No. 2966
PURPOSE OF AMENDMENT: To reauthorize and expand the multi-trades demonstration project

TEXT OF AMENDMENT:

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

SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) **EXPANSION.**—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—
(1) by striking subsection (a) and inserting the following new subsection:
“(a) **DEMONSTRATION PROJECT AUTHORIZED.**—
In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are

certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”.

(b) **REAUTHORIZATION.**—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Inhofe) Amendment No. 2973
PURPOSE OF AMENDMENT: To express the sense of the Senate on training of mental health counselors for members of the Armed Forces, veterans, and their families

TEXT OF AMENDMENT:

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

SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—
(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified

counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and
(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Boxer) Amendment No. 2980
PURPOSE OF AMENDMENT: To require an Inspector General of the Department of Defense report on allowable costs of compensation of employees of Department of Defense contractors

TEXT OF AMENDMENT:

On page 238. between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department

of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded

the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Casey/Begich) Amendment No. 2994
PURPOSE OF AMENDMENT: To require a report on a program on the return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.

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

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

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

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent

lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous byproducts to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Toomey) Amendment No. 3059
PURPOSE OF AMENDMENT: To require a report on the establishment of a joint Armed Forces historical storage and preservation facility

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces

historical storage and preservation facility. The report shall include a description and assessment

of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

- (1) An identification of any excess capacity at any such facility.
- (2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Inhofe) Amendment No. 3072
PURPOSE OF AMENDMENT: To express the sense of the Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;
 (2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government

agencies, and non-governmental organizations are required;
 (3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and
 (4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Vitter) Amendment No. 3086
PURPOSE OF AMENDMENT: To require assessments by the Air Force of the effects of proposed movements of airframes on joint readiness training

TEXT OF AMENDMENT:

At the end of title XVII, add the following:
**SEC. 1711. AIR FORCE ASSESSMENTS
OF THE EFFECTS
OF PROPOSED MOVEMENTS
OF AIRFRAMES ON JOINT READINESS
TRAINING.**

The Secretary of the Air Force shall—
(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training;

and
(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Shaheen) Amendment No. 3098
PURPOSE OF AMENDMENT: To require a report by the suspension and debarment officials of the military departments and the Defense Logistics Agency

TEXT OF AMENDMENT:

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

**SEC. 888. REPORT BY THE
SUSPENSION AND DEBARMENT
OFFICIALS OF THE MILITARY
DEPARTMENTS AND THE DEFENSE
LOGISTICS AGENCY.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).
 (b) **COVERED AGENCIES.**—The agencies specified in this subsection are the following:
 (1) The Department of the Army.
 (2) The Department of the Navy.
 (3) The Department of the Air Force.
 (4) The Defense Logistics Agency.

(c) **COVERED INFORMATION.**—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:
 (1) The number of open suspension and debarment cases of such official as of the date of such report.
 (2) The current average processing time for suspension and debarment cases.
 (3) The target goal of such official for average processing time for suspension and debarment proposals.
 (4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—
 (A) an explanation why the average time exceeds the target goal by more than twice the target goal; and
 (B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Coburn) Amendment No. 3186
PURPOSE OF AMENDMENT: To require a study on small arms and ammunition acquisition

TEXT OF AMENDMENT:

SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) STUDY.—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) **FACTORS TO CONSIDER.**—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) **ACCESS TO INFORMATION.**—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) **IN GENERAL.**—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term "small arms" means—
 (A) firearms up to but not including .50 caliber;
 and

(B) shotguns.

(2) The term "small arms ammunition" means ammunition or ordnance for—
 (A) firearms up to but not including .50 caliber;
 and
 (B) shotguns.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Inhofe (for Coons/Inhofe) Amendment No. 3201
PURPOSE OF AMENDMENT: To express the sense of the Senate on ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army

TEXT OF AMENDMENT:

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

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

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—
 (1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for “Additional ISR Support to Operation Observant Compass”, the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;
 (3) United States and regional African forces should increase their operational coordination;
 and
 (4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Durbin) Modified Amendment No. 3199
PURPOSE OF AMENDMENT: To impose sanctions with respect to persons that provide significant financial, material, or technological support to the rebel group known as M23 operating in the Democratic Republic of the Congo

TEXT OF AMENDMENT:

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

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

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

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

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

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

(e) **TERMINATION OF SANCTIONS.**—The President

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

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

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—

The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and
 (B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

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

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

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or
 (B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

DISPOSITION: Passed by voice vote.

VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Ayotte Amendment No. 3245
PURPOSE OF AMENDMENT: To prohibit the use of funds for the transfer or release of certain individuals from United States Naval Station, Guantanamo Bay, Cuba

TEXT OF AMENDMENT:

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

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the

United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member

of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo

Bay, Cuba, by the Department of Defense.

DISPOSITION: Passed by roll call vote, 54-41.

YEAS—54	Nelson (NE)	Kohl
Alexander	Paul	Lautenberg
Ayotte	Portman	Leahy
Barrasso	Pryor	Levin
Baucus	Risch	McCaskill
Blunt	Roberts	Menendez
Boozman	Rubio	Merkley
Brown (MA)	Sessions	Mikulski
Burr	Shelby	Murray
Chambliss	Snowe	Nelson (FL)
Coats	Stabenow	Reed
Coburn	Thune	Reid
Cochran	Toomey	Sanders
Collins	Vitter	Schumer
Corker	Webb	Shaheen
Cornyn	Wicker	Tester
Crapo		Udall (CO)
Enzi	NAYS—41	Udall (NM)
Graham	Akaka	Warner
Grassley	Begich	Whitehouse
Hagan	Bennet	
Hatch	Bingaman	NOT VOTING—5
Hoeven	Blumenthal	DeMint
Hutchison	Boxer	Heller
Inhofe	Brown (OH)	Kirk
Inouye	Cantwell	Rockefeller
Isakson	Cardin	Wyden
Johanns	Carper	
Johnson (WI)	Casey	
Kyl	Conrad	
Landrieu	Coons	
Lee	Durbin	
Lieberman	Feinstein	
Lugar	Franken	
Manchin	Gillibrand	
McCain	Harkin	
McConnell	Johnson (SD)	
Moran	Kerry	
Murkowski	Klobuchar	

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Feinstein Amendment No. 3018
PURPOSE OF AMENDMENT: To clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States,

TEXT OF AMENDMENT:

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

SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

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

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful

permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

DISPOSITION: Passed by roll call vote, 67-29.

YEAS—67	Johnson (SD)	NAYS—29
Akaka	Kerry	Ayotte
Alexander	Klobuchar	Brown (MA)
Barrasso	Kohl	Burr
Baucus	Landrieu	Chambliss
Begich	Lautenberg	Coats
Bennet	Leahy	Cochran
Bingaman	Lee	Cornyn
Blumenthal	Levin	Grassley
Blunt	McCain	Hatch
Boozman	McCaskill	Hutchison
Boxer	Menendez	Isakson
Brown (OH)	Merkley	Johanns
Cantwell	Mikulski	Johnson (WI)
Cardin	Moran	Kyl
Carper	Murkowski	Lieberman
Casey	Murray	Lugar
Coburn	Nelson (FL)	Manchin
Collins	Paul	McConnell
Conrad	Reed	Nelson (NE)
Coons	Reid	Portman
Corker	Risch	Pryor
Crapo	Sanders	Roberts
DeMint	Schumer	Rubio
Durbin	Shaheen	Sessions
Enzi	Snowe	Shelby
Feinstein	Stabenow	Thune
Franken	Tester	Toomey
Gillibrand	Udall (CO)	Vitter
Graham	Udall (NM)	Wicker
Hagan	Warner	NOT VOTING—4
Harkin	Webb	Heller
Hoeven	Whitehouse	Kirk
Inhofe		Rockefeller
Inouye		Wyden

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Blumenthal) Amendment No. 2940
PURPOSE OF AMENDMENT: To provide certain requirements relating to the retirement, adoption, care, and recognition of military working dog

TEXT OF AMENDMENT:

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

SEC. 1048. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
 (B) by inserting after subsection (e) the following

new subsection (f):

“(f) TRANSFER OF RETIRED MILITARY WORKING

DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military

facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at

the end the following new section:

“**§ 993. Military working dogs: veterinary care**

for retired military working dogs

“(a) IN GENERAL.—The Secretary of Defense

may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided

by the Federal Government for this purpose.

“(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) STANDARDS OF CARE.—The veterinary

care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense

may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Brown (MA)) Amendment No. 3036
PURPOSE OF AMENDMENT: To require reports on the potential security threat posed by Boko Haram

TEXT OF AMENDMENT:

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

**SEC. 1084. REPORTS ON THE
POTENTIAL SECURITY
THREAT POSED BY BOKO
HARAM.**

(a) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director

of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the

United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) **SECRETARY OF STATE REPORT.**— Not

later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit

to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Toomey/Casey) Amendment No. 3064
PURPOSE OF AMENDMENT: To require a study on the Bradley Fighting Vehicle industrial base

TEXT OF AMENDMENT:

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

SEC. 1064. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) **CONTENT.**—The study required under

subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared

to the cost of continued production;
and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin Amendment No. 3114
PURPOSE OF AMENDMENT: To authorize the repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities

TEXT OF AMENDMENT:

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

SEC. 1246. PROGRAM ON REPAIR, OVERHAUL, AND REFRUBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—

The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate. 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are

intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES

NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection

with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES

TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—

Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED

COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense

articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense

articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED

FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of

defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE

ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized

by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF

DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED

TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during

such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation

and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED:
SPONSOR OF AMENDMENT:
PURPOSE OF AMENDMENT:

November 29, 2012
Levin (for Casey) Amendment No. 3193
To require the Department of Defense to develop a plan to promote the security of Afghan women and girls during the security transition process

TEXT OF AMENDMENT:

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

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

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

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

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

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

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

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

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

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

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

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

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women's full participation in social, economic, and political life. Male officials

and security personnel can play a particularly important role in supporting and protecting women and girls.

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

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

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

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

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

Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

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

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

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

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

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

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

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

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments

to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, "integrating women and gender considerations into peace-building processes

helps promote democratic governance and long-term stability," which are key United States strategic goals in Afghanistan.

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

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

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

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

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

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

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

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

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

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

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

(iii) Integrating assessments of women's

security into current procedures used to determine an area's readiness to proceed through the transition process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Risch) Amendment No. 3213
PURPOSE OF AMENDMENT: To add the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives to the list of congressional committees to receive the submission of reports on the program for scientific engagement for nonproliferation

TEXT OF AMENDMENT:

Strike section 3114 and insert the following:

SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) PROGRAM REQUIRED.—

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

“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**“(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.****“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.****“(b) ELEMENTS.—The program shall include the elements as follows:****“(1) Training and capacity-building to strengthen nonproliferation and security best practices.****“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.****“(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:****“(1) For each country selected for the program as of the date of such report—****“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and****“(B) metrics for evaluating the success of the program.****“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.****“(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.****“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—****“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.****(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:****“Sec. 4309. Program on scientific engagement for nonproliferation.”.****(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.****(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.****(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—****(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and****(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.****DISPOSITION:** Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Wicker) Amendment No. 3220
PURPOSE OF AMENDMENT: To express the sense of Congress in support of the Israeli Iron Dome defensive weapon system

TEXT OF AMENDMENT:

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

SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

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

- (1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.
- (2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.
- (3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.
- (4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.
- (5) Israel faces additional rocket and missile threats from Lebanon and Syria.
- (6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.
- (7) Hamas has deployed these weapons to be fired from within their own civilian population.
- (8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.
- (9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.
- (10) The Iron Dome system has maintained a success rate of close to 90 percent.
- (11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) **SENSE OF CONGRESS.**—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Johanns) Amendment No. 3222
PURPOSE OF AMENDMENT: To express the expectation of Congress to be consulted by the Secretary of Defense before the Secretary pursues a change in the command status of the United States Cyber Command

TEXT OF AMENDMENT:

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

SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

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

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that’s the process that we’re going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department’s plans and activities.”.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the

Nation’s networks and critical infrastructure;
 (2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Coburn) Amendment No. 3237
PURPOSE OF AMENDMENT: To set forth consequences for the failure of the Department of Defense to obtain audits with an unqualified opinion on its financial statements by fiscal year 2017

TEXT OF AMENDMENT:

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

SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF

CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—

Section 132a of title 10, United States Code, is amended to read as follows:

“§ 132a. Chief Management Officer

“(a) IN GENERAL.—(1) There is a Chief Management

Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management

Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(

1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the

Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance. of any enterprise resource planning (ERP)

system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

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

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears

in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management

Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance

and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The

Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph

shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin Amendment No. 3243
PURPOSE OF AMENDMENT: To commend the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan

TEXT OF AMENDMENT:

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

**SEC. 1221. SENSE OF CONGRESS
COMMENDING**

**THE ENDURING STRATEGIC PARTNERSHIP
AGREEMENT BETWEEN
THE UNITED STATES AND AFGHANISTAN.**

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

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism,

and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—

the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

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

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation

for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn

Conference of December 2011, the Kabul Conference

of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions

of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating

on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan;

and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Lieberman) Amendment No. 3256
PURPOSE OF AMENDMENT: To require reports from the Comptroller General of the United States on certain aspects of joint professional military education

TEXT OF AMENDMENT:

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

SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION

COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Cornyn) Amendment No. 3260
PURPOSE OF AMENDMENT: To prohibit the use of funds to enter into contracts or agreements with Rosoboronexport

TEXT OF AMENDMENT:

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

SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement

with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—

The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for McCain) Amendment No. 3261
PURPOSE OF AMENDMENT: To require the submittal to Congress of risk assessments on changes in United States troop levels in Afghanistan

TEXT OF AMENDMENT:

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

SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.

(a) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed

assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) **ELEMENTS.**—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include

the following:

- (1) A description of the current security situation in Afghanistan.
- (2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Kyl) Amendment No. 3271
PURPOSE OF AMENDMENT: To promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States

TEXT OF AMENDMENT:

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

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure

of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—

To implement the policy described in subsection

(a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Webb) Amendment No. 3275
PURPOSE OF AMENDMENT: To express the sense of the Senate on the situation in the Senkaku Islands

TEXT OF AMENDMENT:

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

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

It is the sense of the Senate that—

- (1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;
- (2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;
- (3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;
- (4) The unilateral actions of a third party

will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

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

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

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 29, 2012
SPONSOR OF AMENDMENT: Levin (for Nelson (NE)/Kirk) Amendment No. 3279
PURPOSE OF AMENDMENT: To express the sense of Congress that external and independent oversight of the National Nuclear Security Administration by the Department of Energy is critical to the mission of protecting the United States nuclear security enterprise

TEXT OF AMENDMENT:

At the end of title XXXI, add the following:

Subtitle D—Other Matters**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

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

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

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

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

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

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

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

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

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on

contractor self-policing through an untested “contractor assurance” approach.

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

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

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

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

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

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

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

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

DISPOSITION: Passed by voice vote.

VOTE #

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT:
PURPOSE OF AMENDMENT:
TEXT OF AMENDMENT:

DISPOSITION: Passed by voice vote.

VOTE #

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012

SPONSOR OF AMENDMENT:

PURPOSE OF AMENDMENT:

TEXT OF AMENDMENT:

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Sessions Amendment No. 3009
PURPOSE OF AMENDMENT: To provide for congressional review of any bilateral security agreement with Afghanistan

TEXT OF AMENDMENT:

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

SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

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

(1) The Authorization for the Use of Military Force (Public Law 107–40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines

planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations

or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan

to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan,

where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”,

which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes longterm commitments between the two countries, including the continued commitment

of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral

Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES

DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Menendez Amendment No. 3232
PURPOSE OF AMENDMENT: To enhance sanctions imposed with respect to Iran
TEXT OF AMENDMENT:

At the end of title XII, add the following:

Subtitle E—Iran Sanctions

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

SEC. 1252. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) COAL.—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLETHROUGH ACCOUNT.—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) IRANIAN FINANCIAL INSTITUTION.—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) IRANIAN PERSON.—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) MEDICAL DEVICE.—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) MEDICINE.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) SHIPPING.—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) VESSEL.—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including

factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 1253. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

SEC. 1254. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

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

(1) Iran’s energy, shipping, and shipbuilding sectors and Iran’s ports are facilitating the Government of Iran’s nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the “IAEA”) has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran’s nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the “potential connection between Iran’s revenues derived from its energy sector and the funding of Iran’s proliferation sensitive nuclear activities”.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION

CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are goods or services used in connection with the

energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction

for the sale, supply, or transfer to or from Iran of natural gas unless—
(A) the financial transaction is only for trade in goods or services—
(i) not otherwise subject to sanctions under the law of the United States; and
(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1255. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or
(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) FACILITATION OF CERTAIN TRANSACTIONS.—

The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) MATERIALS DESCRIBED.—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating

industrial processes.

(d) DETERMINATION WITH RESPECT TO USE OF MATERIALS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or
(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.—

The President may not impose sanctions under subsection (a) or (b)

with respect to a person if the President determines that the person has exercised due

diligence in establishing and enforcing official policies, procedures, and controls to ensure

that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days,

and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) NATIONAL BALANCE SHEET OF IRAN DEFINED.—

For purposes of this section, the term "national balance sheet of Iran" refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

SEC. 1256. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.

(a) IN GENERAL.—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions

are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under paragraph (1) or (3) or subparagraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

SEC. 1257. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for

trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and
(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—
(A) determines that such a waiver is vital to the national security of the United States; and
(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1258. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.

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

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.
(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

SEC. 1259. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

"(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

"(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

"(B) the misappropriation of proceeds from the sale or resale of such goods.

"(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

"(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

"(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State."

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking "or 105B(a)" and inserting "105B(a), or 105C(a)"; and
(2) by striking "or 105B(b)" and inserting "105B(b), or 105C(b)".

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:
"Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran."

SEC. 1260. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking ";" and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

"(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and"

SEC. 1261. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "4 years" and inserting "10 years"; and

(2) in subsection (b), by striking "4-year period" and inserting "10-year period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

SEC. 1262. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and
(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1263. IMPLEMENTATION; PENALTIES.

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this

subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

SEC. 1264. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

SEC. 1265. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

DISPOSITION: Passed by roll call vote, 94-0.

YEAS—94

Akaka
Ayotte
Barrasso
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Conrad
Coons
Corker
Cornyn
Crapo
DeMint
Durbin
Enzi
Feinstein
Franken
Gillibrand

Graham
Grassley
Hagan
Harkin
Hoeben
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lee
Levin
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray
Nelson (NE)
Nelson (FL)

Paul
Portman
Pryor
Reed
Reid
Risch
Roberts
Rubio
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker

NOT VOTING—6

Alexander
Hatch
Heller
Kirk
Rockefeller
Wyden

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Cardin Amendment No. 3025
PURPOSE OF AMENDMENT: To ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense

TEXT OF AMENDMENT:

Strike section 341 and insert the following:
**SEC. 341. CIVILIAN AND CONTRACT SERVICES
 WORKFORCE BALANCE.**

(a) **IN GENERAL.**—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) **COMPTROLLER GENERAL REPORT.**—Not

later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

DISPOSITION: Failed by roll call vote, 41-53.

YEAS—41

Akaka
 Begich
 Blumenthal
 Boxer
 Brown (OH)
 Cantwell
 Cardin
 Casey
 Coons
 Durbin
 Franken
 Gillibrand
 Hagan
 Harkin
 Inouye
 Kerry
 Landrieu
 Lautenberg
 Leahy
 Lieberman
 McCaskill
 Menendez
 Merkley
 Mikulski
 Murkowski
 Murray
 Nelson (NE)
 Nelson (FL)
 Pryor
 Reed
 Reid
 Sanders
 Schumer
 Shaheen

Snowe
 Stabenow
 Tester
 Udall (CO)
 Udall (NM)
 Warner
 Webb

NAYS—53

Ayotte
 Barrasso
 Baucus
 Bennet
 Bingaman
 Blunt
 Boozman
 Brown (MA)
 Burr
 Carper
 Chambliss
 Coats
 Coburn
 Cochran
 Collins
 Conrad
 Corker
 Cornyn
 Crapo
 DeMint
 Enzi
 Feinstein
 Graham
 Grassley
 Hoeven
 Hutchison

Inhofe
 Isakson
 Johanns
 Johnson (SD)
 Johnson (WI)
 Klobuchar
 Kohl
 Kyl
 Lee
 Levin
 Lugar
 Manchin
 McCain
 McConnell
 Moran
 Paul
 Portman
 Risch
 Roberts
 Rubio
 Sessions
 Shelby
 Thune
 Toomey
 Vitter
 Whitehouse
 Wicker

NOT VOTING—6

Alexander
 Hatch
 Heller
 Kirk
 Rockefeller
 Wyden

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for McCain) Amendment No. 3052
PURPOSE OF AMENDMENT: To provide a military resource plan to meet the United States Force Posture Strategy in the Asia Pacific Region

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

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

- (A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.
- (B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.
- (C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.
- (D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.
- (E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.
- (F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense

program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

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

- (A) A description of the elements set forth under subsection (a)(1).
- (B) A description of the assumptions used in the examination, including assumptions relating to—
- (i) the status of readiness of the Armed Forces;
 - (ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;
 - (iii) warning times;
 - (iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;
 - (v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and
 - (vi) the roles and responsibilities that would be discharged by contractors.
- (C) Any other matters the Secretary of Defense considers appropriate.
- (D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.
- (3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012

SPONSOR OF AMENDMENT:

PURPOSE OF AMENDMENT: Nelson (FL) Amendment No. 3073, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation

TEXT OF AMENDMENT:

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

SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);
(ii) by striking subsection (k); and
(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2);”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—

No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—

A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title

10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary

of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

DISPOSITION: Fell when the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained. Earlier by a roll call vote of 58-34, three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to the Congressional Budget Act of 1974.

YEAS—58

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Casey

Collins
Conrad
Coons
Durbine
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg

Leahy
Levin
Lieberman
Manchin
McCaskill
Menendez
Merkley
Mikulski
Moran
Murkowski
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rubio

Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wicker

NAYS—34
Ayotte
Barrasso
Burr
Carper
Chambliss

Coats
Coburn
Cochran
Corker
Cornyn
Crapo
DeMint
Enzi
Graham
Grassley
Hoeven
Inhofe
Isakson
Johanns
Johnson (WI)
Kyl
Lee
Lugar
McCain
McConnell

Paul
Portman
Risch
Roberts
Sessions
Shelby
Thune
Toomey
Vitter

NOT VOTING—8

Alexander
Hatch
Heller
Hutchison
Kirk
Murray
Rockefeller
Wyden

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Whitehouse) Amendment No. 3075
PURPOSE OF AMENDMENT: To express the sense of the Senate on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative

TEXT OF AMENDMENT:

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

SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

- (1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.
- (2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.
- (3) The Initiative can help the Department combat the growing problem of counterfeits

in the military supply chain.

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

- (1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;
- (2) to support measures to verify contractor compliance with section 252.211–7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;
- (3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and
- (4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Snowe) Amendment No. 3133
PURPOSE OF AMENDMENT: To terminate the Federal authorization of the National Veterans Business Development Corporation

TEXT OF AMENDMENT:

SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).
 (b) **CORPORATION.**—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.
 (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—
 (1) **SMALL BUSINESS ACT.**—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—
 (A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;
 (B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;
 (C) in section 33 (15 U.S.C. 657d), as so redesignated—
 (i) by striking “section 35” each place it appears and inserting “section 34”;
 (ii) in subsection (a)—
 (I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;
 (II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;
 (III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;
 (iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;
 (D) in section 34 (15 U.S.C. 657e), as so redesignated—
 (i) by striking “section 34” each place it appears and inserting “section 33”;
 (ii) in subsection (c)(1), by striking section

“34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;
 (E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;
 (F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;
 (G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.
 (2) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.
 (3) **TITLE 38.**—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.
 (4) **FOOD, CONSERVATION, AND ENERGY ACT OF 2008.**—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.
 (5) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

DISPOSITION: Passed by voice vote.

VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Sanders) Amendment No. 3182
PURPOSE OF AMENDMENT: To require an annual report on Federal contracting fraud
TEXT OF AMENDMENT:

At the end of subtitle E of title VIII, add the following:
SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.

- (a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.
- (b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:
- (1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.
- (2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors

repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

AMENDMENT NO. 3183

(Purpose: To require public availability of the database of senior Department officials seeking employment with defense contractors)

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

SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—

The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Sanders) Amendment No. 3183
PURPOSE OF AMENDMENT: To require public availability of the database of senior Department officials seeking employment with defense contractors

TEXT OF AMENDMENT:

At the end of subtitle D of title VIII, add the following:
SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.
Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public

Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:
“(3) PUBLIC AVAILABILITY OF INFORMATION.—
The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Warner/Cornyn) Amendment No. 3233
PURPOSE OF AMENDMENT: To promote a more efficient, responsive, and effective bilateral defense trade relationship between the United States and India

TEXT OF AMENDMENT:

At the end of subtitle D of title XII, add the following:
SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—
 (1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.
 (2) CONTENT.—The report required under paragraph (1) shall include the following elements:
 (A) A description of the Department’s approach for normalizing defense trade.
 (B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.
 (b) COMPREHENSIVE POLICY REVIEW.—
 (1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in coproduction and co-development defense projects with India.
 (2) SCOPE.—The policy review should—
 (A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and
 (B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-

IED technology or individual soldier capabilities.
 (c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—
 (1) conduct a review of all United States–India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;
 (2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;
 (3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;
 (4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and
 (5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Coburn) Amendment No. 3236
PURPOSE OF AMENDMENT: To ensure that the Deputy Chief Management Officer of the Department of Defense obtains information from the military departments and Defense Agencies necessary to conduct defense business system investment reviews

TEXT OF AMENDMENT:

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

SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include

requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Sanders/Inhofe) Amendment No. 3248
PURPOSE OF AMENDMENT: To amend the Federal renewable energy purchase requirement to include geothermal heat pumps

TEXT OF AMENDMENT:

At the end of subtitle B of title XXXI, add the following:
SEC. 3122. RENEWABLE ENERGY.
Section 203(b)(2) of the Energy Policy Act

of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking "geothermal," and inserting "geothermal (including geothermal heat pumps),".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Rubio/Wyden) Amendment No. 3283
PURPOSE OF AMENDMENT: To require a report on implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry

TEXT OF AMENDMENT:

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

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

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

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

- (1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.
- (2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.
- (3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Wyden) Amendment No. 2959
PURPOSE OF AMENDMENT: To require reports on the use of indemnification agreements in Department of Defense contracts

TEXT OF AMENDMENT:

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

SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph

(A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States

Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Bingaman/Udall (NM)) Amendment No. 2984
PURPOSE OF AMENDMENT: To provide for national security benefits for White Sands Missile Range and Fort Bliss

TEXT OF AMENDMENT:

At the end of title X, add the following:

SEC. 101I. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as "Parcel 1" on the map entitled "White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal" and dated April 3, 2012 (referred to in this section as the "map");

(B) the approximately 37,600 acres of land depicted as "Parcel 2", "Parcel 3", and "Parcel 4" on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as "Parcel 4" on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military

purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as "Parcel 2" on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Grassley) Amendment No. 3079
PURPOSE OF AMENDMENT: To permit Federal officers to remove cases involving crimes of violence to Federal court

TEXT OF AMENDMENT:

At the appropriate place, insert the following:

SEC. II. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial

order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Barrasso) Amendment No. 3082
PURPOSE OF AMENDMENT: To require a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad

TEXT OF AMENDMENT:

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

SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

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

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Vitter) Modified Amendment No. 3087
PURPOSE OF AMENDMENT: To require a report on Department of the Navy plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR)

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this

Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Klobuchar/Snowe) Amendment No. 3102
PURPOSE OF AMENDMENT: To provide for the retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PERIOD OF RETENTION.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

- (1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or
- (2) the time provided for the retention of such forms in connection with Unrestricted

Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault", or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Klobuchar/Snowe) Amendment No. 3105
PURPOSE OF AMENDMENT: Relating to the prevention and response to sexual harassment in the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

(1) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military courtmartial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) RETENTION.—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department

of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Murkowski) Amendment No. 3135
PURPOSE OF AMENDMENT: To extend the deadline for submission of a report on the findings and conclusions of the National Commission on the Structure of the Air Force

TEXT OF AMENDMENT:

On page 502, line 7, strike "2013" and insert "2014".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Warner) Amendment No. 3145
PURPOSE OF AMENDMENT: To require a study on the ability of national air and ground test and evaluation infrastructure facilities to support defense hypersonic test and evaluation activities

TEXT OF AMENDMENT:

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

SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.

(a) **STUDY REQUIRED.**—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) **REPORT AND PLAN.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) **CONTENT.**—The report required under

paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

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

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Collins) Modified Amendment No. 3196
PURPOSE OF AMENDMENT: To require a research study on resilience in members of the Army

TEXT OF AMENDMENT:

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

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

(a) RESEARCH STUDY REQUIRED.—

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

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

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

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and
 (B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

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

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by

the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment.

The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

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

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

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Barrasso/Enzi) Amendment No. 3198
PURPOSE OF AMENDMENT: To renew expired prohibition on return of veterans memorial objects without specific authorization in law

TEXT OF AMENDMENT:

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

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

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

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

“(2) In this subsection:

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

“(B) The term ‘veterans memorial object’

means any object, including a physical structure or portion thereof, that—

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

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

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

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

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

or

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

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law

106–65; 10 U.S.C. 2572 note) is repealed.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Klobuchar/Snowe) Amendment No. 3234
PURPOSE OF AMENDMENT: To enhance the annual reports regarding sexual assaults involving members of the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Reid) Amendment No. 3244
PURPOSE OF AMENDMENT: To amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation

TEXT OF AMENDMENT:

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

SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for McCain) Modified Amendment No. 3247
PURPOSE OF AMENDMENT: Relating to the transfer of excess aircraft
TEXT OF AMENDMENT:

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

SEC. 1084. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection

(b) of section 1703 of Title XVII of this Act, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary

of Agriculture and the Secretary of Homeland Security shall be afforded equal priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection

(a) shall expire on December 31, 2013.

SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576

note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting

“during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—

The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1,

2012, and ending on September 30, 2017.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Alexander/Corker) Amendment No. 3258
PURPOSE OF AMENDMENT: To modify the authority to carry out a fiscal year 2011 military construction project at Nashville International Airport

TEXT OF AMENDMENT:

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

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin Amendment No. 3280
PURPOSE OF AMENDMENT: To require reports to the Department of Defense on penetrations of networks and information systems of certain contractors

TEXT OF AMENDMENT:

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

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

(a) **PROCESS FOR REPORTING PENETRATIONS.**—

The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection

(b) is successfully penetrated.

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

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

(a).

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

- (1) The Under Secretary of Defense for Policy.
- (2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.
- (3) The Chief Information Officer of the Department of Defense.
- (4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting

by contractors of successful penetrations of designated network or information systems.

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

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

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

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

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: November 30, 2012
SPONSOR OF AMENDMENT: Levin (for Begich) Amendment No. 3290
PURPOSE OF AMENDMENT: To modify notice requirements in advance of permanent reductions of sizeable numbers of members of the Armed Forces at military installations

TEXT OF AMENDMENT:

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

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

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

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

“(1) the Secretary of Defense or the Secretary of the military department concerned—
“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and
“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

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

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

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

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

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Begich) Amendment No. 2954
PURPOSE OF AMENDMENT: To authorize space-available travel on Department of Defense aircraft of certain unremarried spouses of members and former members of the Armed Forces

TEXT OF AMENDMENT:

On page 187, between lines 15 and 16, insert the following:

“(4) The unremarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unremarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Inhofe) Amendment No. 2978
PURPOSE OF AMENDMENT: To require the Secretary of the Air Force to submit to Congress a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract

TEXT OF AMENDMENT:

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

SEC. 888. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.

(a) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) **CONTENT.**—The plan required under subsection

(a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "onramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Blumenthal) Amendment No. 3015
PURPOSE OF AMENDMENT: To extend the stolen goods offense to cover all veterans' memorials

TEXT OF AMENDMENT:

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

SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.

(a) TRANSPORTATION OF STOLEN MEMORIALS.—

Section 2314 of title 18, United States Code, is amended by adding at the end the following:

"In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument

that signifies an event of national military historical significance.".

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—

Section 2315 of such title is amended by adding at the end the following:

"In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Cardin) Amendment No. 3022
PURPOSE OF AMENDMENT: To express the sense of the Senate concerning the conflict-induced Afghan refugee situation

TEXT OF AMENDMENT:

On page 405, line 4, strike "Section" and insert the following:

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

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan

and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—
(A) an assessment of the capacity of the Government of Afghanistan—
(i) to prevent, mitigate, and respond to forced displacement; and
(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and
(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.
(b) EXTENSION OF AUTHORITY.—Section

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Cardin) Amendment No. 3024
PURPOSE OF AMENDMENT: To include the Coast Guard in the requirements for the achievement of diversity in the Armed Forces

TEXT OF AMENDMENT:

On page 124, between lines 6 and 7, insert the following:
(f) APPLICABILITY TO COAST GUARD.—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Tester) Amendment No. 3028
PURPOSE OF AMENDMENT: To authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care

TEXT OF AMENDMENT:

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

SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

“§ 111A. Transportation of individuals to and from Department facilities

“(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.”.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

- (1) transferred to section 111A of such title, as added by subsection (a);
- (2) redesignated as subsection (b);
- (3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.—” before “The Secretary”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Collins) Modified Amendment No. 3042
PURPOSE OF AMENDMENT: To require a report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan

TEXT OF AMENDMENT:

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

SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

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

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International

Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for McCain/Webb) Modified Amendment No. 3054
PURPOSE OF AMENDMENT: Relative to notice to Congress for the review of proposals to name naval vessels

TEXT OF AMENDMENT:

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

SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

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

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals

who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Toomey) Amendment No. 3066
PURPOSE OF AMENDMENT: To require an independent study and report on simulated tactical flight training in a sustained gravity environment

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of

other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for McCain) Modified Amendment No. 3091
PURPOSE OF AMENDMENT: To authorize additional amounts for new programs identified and requested by the Department of Defense as unforeseen, urgent, and high priority requirements, and to provide an offset

TEXT OF AMENDMENT:

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

SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) **ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.**—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

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

SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.

(a) **ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.**—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

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

SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN**WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.**

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

- (1) the repurposing of the C-Band Radar at Antigua;
- (2) the relocation of that radar to the H.E. Holt Station in Western Australia;
- (3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;
- (4) operational testing of that radar; and
- (5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) **ADDITIONAL AMOUNT FOR RDT&E, ARMY.**—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

At the end of subtitle A of title X, add the

following:

SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR

2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN–133, \$12.5 million; Army C–RAM, BLIN–90, 158 million; Army non-system training devices, BLIN–182, \$9.8

million; Defense wide 12/14 VSSOCOM C–150 modifications, \$4.0 million; Defense wide 12/14 combat mission requirements, \$4.2 million.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

AMENDMENT NO. 3160

(Purpose: To improve the authorities relating to rates of basic allowance for housing for National Guard members on full-time National Guard duty)

On page 176, line 8, insert before the period the following: “, unless the transition results in a permanent change of station and shipment of household goods”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Brown(MA)) Amendment No. 3160
PURPOSE OF AMENDMENT: To improve the authorities relating to rates of basic allowance for housing for National Guard members on full-time National Guard duty

TEXT OF AMENDMENT:

On page 176, line 8, insert before the period the following: “, unless the transition results in a permanent change of station and shipment of household goods”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin Amendment No. 3164
PURPOSE OF AMENDMENT: To authorize the transfer of defense articles and the provision of defense services to the military and security forces of Afghanistan and certain other countries

TEXT OF AMENDMENT:

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

SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.

(a) **NONEXCESS ARTICLES AND RELATED SERVICES.**—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) **LIMITATIONS.**—

(1) **VALUE.**—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) **SOURCE OF TRANSFERRED ARTICLES.**—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) **APPLICABLE LAW.**—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) **REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense

may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

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

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) **NOTICE ON EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) **ELEMENTS.**—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for

such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—

The term “appropriate committees

of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—

Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Rubio/Nelson(FL)) Modified Amendment No. 3176
PURPOSE OF AMENDMENT: To require a report on the reorganization of Air Force Materiel Command organizations

TEXT OF AMENDMENT:

At the end of title XXVII, add the following:

SEC. 2705. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

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

- (1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.
- (2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

- (A) Science and Technology, Acquisition.
- (B) Developmental Test and Evaluation.
- (3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command’s reorganization on other commands’ responsibilities for—
 - (A) Operational Test and Evaluation; and
 - (B) Follow-on Operational Test and Evaluation.
- (4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.
- (5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Warner) Amendment No. 3188
PURPOSE OF AMENDMENT: To express the sense of Congress on the Joint Warfighting Analysis Center

TEXT OF AMENDMENT:

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Bingaman/Murkowski) Amendment No. 3208
PURPOSE OF AMENDMENT: To promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes

TEXT OF AMENDMENT:

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

Subtitle D—American Medical Isotopes Production

SEC. 3141. SHORT TITLE.

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

SEC. 3142. DEFINITIONS.

In this subtitle:

- (1) DEPARTMENT.—The term “Department” means the Department of Energy.
(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U–235.
(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U–235.
(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

SEC. 3143. IMPROVING THE RELIABILITY OF DOMESTIC

MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

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

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

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

(C) the costs of which shall be shared in accordance

with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

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

(A) The length of time necessary for the proposed project to begin production of molybdenum-

99 for medical uses within the United States.

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

uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—
(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances

that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

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

(4) PUBLIC PARTICIPATION AND REVIEW.—The

Secretary shall—

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

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

(b) DEVELOPMENT ASSISTANCE.—The Secretary

shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production

that do not use highly enriched uranium; and

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

(c) URANIUM LEASE AND TAKE-BACK.—

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

(2) TITLE.—The lease contracts shall provide

for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

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

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

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification

of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

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

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable

uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

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

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

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

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

(6) EXCHANGE OF URANIUM FOR SERVICES.—

The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

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

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

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—

The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection

(c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting

from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 3144. EXPORTS.

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

“c. Effective 7 years after the date of enactment of the American Medical Isotopes

Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment

of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

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

“(2) the export of United States-origin highly enriched uranium for the purposes of

medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

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

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

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

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

“g. As used in this section—

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

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

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

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

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

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

SEC. 3145. REPORT ON DISPOSITION OF EXPORTS.

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

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative

purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 3146. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

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

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

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

“(1) the Commission determines that—

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

“(B) the proposed recipient of the medical isotope production target has provided assurances

that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

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

“b. As used in this section—

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

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

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor

Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be

conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

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

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

(b) TABLE OF CONTENTS.—The table of contents

for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

SEC. 3147. ANNUAL DEPARTMENT REPORTS.

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

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

(1) For medical isotope development projects—

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

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

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

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

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

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

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive

waste for which the Department is responsible under section 3143(c).

SEC. 3148. NATIONAL ACADEMY OF SCIENCES REPORT.

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

of this Act.

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

(1) For molybdenum-99 production—

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

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

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

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

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

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

SEC. 3149. REPEAL.

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

SA 3209. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations

for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 827. SUPPORT OF THE COMPETITIVE ENTERPRISE

SYSTEM.

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Snowe) Amendment No. 3218
PURPOSE OF AMENDMENT: To remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns

TEXT OF AMENDMENT:

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

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

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

- (1) in subparagraph (A), by striking “who are economically disadvantaged”;
- (2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;
- (3) by striking subparagraph (D); and
- (4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

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

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

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

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

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT:
PURPOSE OF AMENDMENT: Levin (for Conrad) Amendment No. 3227, to require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center

TEXT OF AMENDMENT:

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

SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

- (1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.
- (2) Ensuring greater awareness and participation throughout the United States in such program.
- (3) Providing meaningful opportunities for learning about the experiences of veterans.
- (4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Hatch) Amendment No. 3268
PURPOSE OF AMENDMENT: To modify the age and retirement treatment under the Federal Employees Retirement System for certain retirees of the Armed Forces

TEXT OF AMENDMENT:

At the end of title XI, add the following:

SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

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

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence,

by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Coons) Amendment No. 3289
PURPOSE OF AMENDMENT: To make technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment

TEXT OF AMENDMENT:

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

SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

- (1) in subsection (a)—
 - (A) in paragraph (2)—
 - (i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and
 - (ii) by striking the second sentence; and
 - (B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;
- (2) in subsection (b)—
 - (A) by striking paragraph (1);
 - (B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and
 - (C) in paragraph (2), as redesignated by subparagraph (B)—
 - (i) by striking “accept gifts and grants from and”; and
 - (ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and
 - (3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Paul) Amendment No. 3119
PURPOSE OF AMENDMENT: To provide for the more accurate and complete enumeration of members of the Armed Forces in any tabulation of total population by the Secretary of Commerce

TEXT OF AMENDMENT:

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

SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—
(1) by redesignating subsection (g) as subsection (h); and
(2) by inserting after subsection (f) the following:
“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—
“(1) fully and accurately counted; and
“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Pryor) Amendment No. 3291
PURPOSE OF AMENDMENT: To require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses

TEXT OF AMENDMENT:

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

SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the

documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver’s license.

“(iii) An emergency medical technician license EMT–B or EMT–I.

“(iv) An emergency medical technician–paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Collins/Lieberman) Amendment No. 3282
PURPOSE OF AMENDMENT: To provide for a prescription drug take-back program for members of the Armed Forces and their dependents

TEXT OF AMENDMENT:

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

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM
FOR MEMBERS OF THE
ARMED FORCES AND THEIR DEPENDENTS.**

- (a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).
- (b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:
- (1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.
 - (2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Reed) Amendment No. 3292
PURPOSE OF AMENDMENT: To provide for the enforcement of protections on consumer credit for members of the Armed Forces and their dependents

TEXT OF AMENDMENT:

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

SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Reed) Amendment No. 3165
PURPOSE OF AMENDMENT: To establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans

TEXT OF AMENDMENT:

At the end, add the following:

DIVISION E—HOUSING ASSISTANCE FOR VETERANS**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Housing Assistance for Veterans Act of 2012” or the “HAVEN Act”.

SEC. 5002. DEFINITIONS.

In this division:

- (1) **DISABLED.**—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.
- (2) **ELIGIBLE VETERAN.**—The term “eligible veteran” means a disabled or low-income veteran.
- (3) **ENERGY EFFICIENT FEATURES OR EQUIPMENT.**—The term “energy efficient features or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.
- (4) **LOW-INCOME VETERAN.**—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.
- (5) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is—
- (A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and
- (B) exempt from tax under section 501(a) of such Code.
- (6) **PRIMARY RESIDENCE.**—
- (A) **IN GENERAL.**—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.
- (B) **FAMILY MEMBER DEFINED.**—For purposes of this paragraph, the term “family member” includes—
- (i) a spouse, child, grandchild, parent, or sibling;
- (ii) a spouse of such a child, grandchild, parent, or sibling; or
- (iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.
- (7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.
- (8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.
- (9) **VETERAN.**—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.
- (10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.

(a) **GRANT.**—

- (1) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.
- (2) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.
- (3) **MAXIMUM GRANT.**—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) **APPLICATION.**—

- (1) **IN GENERAL.**—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.
- (2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—
- (A) a plan of action detailing outreach initiatives;
- (B) the approximate number of veterans the qualified organization intends to serve using grant funds;
- (C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and
- (D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.
- (3) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—
- (A) with experience in providing housing rehabilitation and modification services for disabled veterans; or
- (B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).
- (c) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:
- (1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.
- (2) Have established outreach initiatives that—
- (A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and
- (B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.
- (3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and
(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not

less than 50 percent of the grant award received by such organization.

(2) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this division \$4,000,000 for each of fiscal years 2013 through 2017.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Coats) Modified Amendment No. 2923
PURPOSE OF AMENDMENT: In the nature of a substitute
TEXT OF AMENDMENT:

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

**SEC. 314. REPORT ON PROPERTY DISPOSALS
AND**

**ADDITIONAL AUTHORITIES TO ASSIST
LOCAL COMMUNITIES AROUND
CLOSED MILITARY INSTALLATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) **ELEMENTS.**—The report required by subsection

(a) shall include the following:

- (1) The status of property described in subsection (a) that is yet to be disposed of.
- (2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.
- (3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) **MILITARY INSTALLATION DEFINED.**—In this section, the term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Webb/Leahy) Amendment No. 2943
PURPOSE OF AMENDMENT: To make Department of Defense law enforcement officers eligible under the Law Enforcement Officers Safety Act

TEXT OF AMENDMENT:

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

SECTION 1084. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS

OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”;

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”;

and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”;

and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Casey) Modified Amendment No. 2997
PURPOSE OF AMENDMENT: To authorize the Transition Assistance Advisor program of the Department of Defense

TEXT OF AMENDMENT:**SEC. 1048. TRANSITION ASSISTANCE ADVISOR PROGRAM.**

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

“§ 1144a. Transition Assistance Advisors

“(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member’s family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

“(f) STATE DEFINED.—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United

States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after

the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Cardin) Amendment No. 3023
PURPOSE OF AMENDMENT: To include the Coast Guard in the requirements relating to hazing in the Armed Forces

TEXT OF AMENDMENT:

On page 139, line 3, add at the end the following:

“Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Wicker) Modified Amendment No. 3121
PURPOSE OF AMENDMENT: To exempt the high performance computing modernization program from certain requirements relating to funding for data servers and centers

TEXT OF AMENDMENT:

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

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN
REQUIREMENTS APPLICABLE
TO FUNDING FOR DATA SERVERS
AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—
(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—“(1) EXEMPTION AUTHORITY.—The Chief”;
and
(2) by inserting at the end the following new paragraph:
“(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.”

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Portman) Amendment No. 3142
PURPOSE OF AMENDMENT: To require a report on Department of Defense support for the United States diplomatic security

TEXT OF AMENDMENT:

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

SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection

(a) shall be submitted in unclassified form, but may include a classified annex.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Webb/Brown (MA)) Amendment No. 3144
PURPOSE OF AMENDMENT: To amend section 704 of title 18, United States Code
TEXT OF AMENDMENT:

At the end, add the following:

DIVISION E—STOLEN VALOR ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the “Stolen Valor Act of 2012”.

SEC. 5002. FINDINGS.

Congress find the following:

- (1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.
- (2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.
- (3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.
- (4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.
- (5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.
- (6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization’s donors concern that the organization’s board might not manage money honestly.
- (7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.
- (8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under

article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

SEC. 5003. MILITARY MEDALS OR DECORATIONS.

Section 704 of title 18, United States Code, is amended to read as follows:

“§ 704. Military medals or decorations

“(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises

for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY

DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

“(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—

For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) DEFINITION.—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”

SEC. 5004. SEVERABILITY.

If any provision of this division, any

amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Corker) Modified Amendment No. 3172
PURPOSE OF AMENDMENT: To require the President to report to Congress on issues related to Syria

TEXT OF AMENDMENT:

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

SEC. 1233. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

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

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress

an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

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

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE

PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

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

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria's political opposition.

(d) FORM.—The reports required by this section may be submitted in a classified form.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Lieberman) Amendment No. 3276
PURPOSE OF AMENDMENT: To authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution

TEXT OF AMENDMENT:

At the end of division A, add the following:

**TITLE XVIII—MEMORIAL TO SLAVES AND
FREE BLACK PERSONS WHO SERVED IN
THE AMERICAN REVOLUTION**

SEC. 1801. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 1802. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term “memorial” means the memorial authorized to be established under section 3(a).

SEC. 1803. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 1804. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Lautenberg) Amendment No. 3298
PURPOSE OF AMENDMENT: To express the sense of Congress on health care for retired members of the uniformed services

TEXT OF AMENDMENT:

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

SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

- (1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and
- (2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Blunt) Modified Amendment No. 3278
PURPOSE OF AMENDMENT: To provide for the modernization of the Department of Defense's mail delivery system to ensure the effective and efficient delivery of absentee ballots

TEXT OF AMENDMENT:

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

SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

AMENDMENT NO. 3278, AS MODIFIED

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

SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

(a) It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED:
SPONSOR OF AMENDMENT:
PURPOSE OF AMENDMENT:

December 3, 2012
Levin (for Rockefeller) Amendment No. 2996
To authorize certain maritime programs of the Department of Transportation

TEXT OF AMENDMENT:

Beginning on page 590, strike line 11 and all that follows through page 595, line 7, and insert the following:

SEC. 3501. SHORT TITLE.

This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2013".

SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.

(a) **ASSESSMENT.**—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

- (1) the environmental benefits of increasing container-on-barge movements in short sea transportation;
- (2) the regional differences in the use of short sea transportation;
- (3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;
- (4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3503. SHORT SEA TRANSPORTATION.

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

- (1) in subsection (a), by striking "landside congestion." and inserting "landside congestion or to promote short sea transportation.";
 - (2) in subsection (c), by striking "coastal corridors" and inserting "coastal corridors or to promote short sea transportation";
 - (3) in subsection (d), by striking "that the project may" and all that follows through the end of the subsection and inserting "that the project uses documented vessels and—
- "(1) mitigates landside congestion; or
- "(2) promotes short sea transportation.";
- and

(4) in subsection (f), by striking "shall" each place it appears and inserting "may".

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking "by vessel" and inserting "by a documented vessel".

SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

"§ 50307. Maritime environmental and technical assistance

"(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

"(b) **REQUIREMENTS.**—The Secretary of Transportation may—

"(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

"(A) reducing air emissions, water emissions, or other ship discharges;

"(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

"(C) controlling aquatic invasive species; and

"(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

"(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

"(1) activities that are associated with the development or approval of validation and testing regimes; and

"(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

"(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a)."

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following: "50307. Maritime environmental and technical assistance."

SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking "When the head" and inserting the following:

"(1) **IN GENERAL.**—When the head"; and

(2) by adding at the end the following:

"(2) **DETERMINATIONS.**—The Maritime Administrator shall—

"(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

"(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

"(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after

notice of the determination is provided to the Secretary of Transportation.

“(3) NOTICE TO CONGRESS.—

“(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

SEC. 3506. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation

and Infrastructure of the House of Representatives.

SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve

Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a non-profit training institution”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012
SPONSOR OF AMENDMENT: Levin (for Reid) Modified Amendment No. 3047
PURPOSE OF AMENDMENT: To clarify the computation of combat-related special compensation for disability retirees from the Armed Forces

TEXT OF AMENDMENT:

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

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) **IN GENERAL.**—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 3, 2012 [see earlier action on November 29, 2012—vote #27]

SPONSOR OF AMENDMENT: Blumenthal Amendment No. 3124, as further modified

PURPOSE OF AMENDMENT: To prevent human trafficking in government contracting

TEXT OF AMENDMENT:

AMENDMENT NO. 3124, AS FURTHER MODIFIED

At the end of title VIII, add the following:

Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

SEC. 892. DEFINITIONS.

In this subtitle:

(1) **COMMERCIAL SEX ACT.**—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation) .

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) **SUBCONTRACTOR.**—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

SEC. 893. CONTRACTING REQUIREMENTS.

(a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee’s identity or immigration documents.

“(II) Failing to pay return transportation costs to an employee upon the end of employment,

unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any

subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an

activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) DETERMINATION.—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work

under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subcontract.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization

Act for Fiscal Year 2010 (10

U.S.C. 2302 note; Public Law 111–84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”.

SEC. 896. NOTIFICATION TO INSPECTORS GENERAL

AND COOPERATION WITH GOVERNMENT.

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract,

or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,”; and

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

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

- (1) in clause (ii), by striking “and” at the end;
- (2) by redesignating clause (iii) as clause (iv);
- (3) by inserting after clause (ii) the following new clause:
“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”;
- (4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and
- (5) by adding at the end the following new clause:
“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

SEC. 899. RULES OF CONSTRUCTION.

DISPOSITION: UC agreement providing that notwithstanding adoption of Blumenthal Amendment No. 3124, as modified, on Thursday, November 29, 2012, the amendment be modified further with the changes that are at the desk.

- (a) **LIABILITY.**—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.
- (b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**— Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.
- (c) **PROSPECTIVE EFFECT.**—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Kyl/Udall (NM)) Modified Amendment No. 2927
PURPOSE OF AMENDMENT: To establish a congressional advisory panel on revising the governance structure of the National Nuclear Security Administration to permit it to operate more effectively and independently of the Department of Energy

TEXT OF AMENDMENT:

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 officer 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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Akaka) Amendment No. 3019
PURPOSE OF AMENDMENT: To amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program

TEXT OF AMENDMENT:

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,".

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Toomey) Amendment No. 3062
PURPOSE OF AMENDMENT: 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

TEXT OF AMENDMENT:

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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Brown (OH)) Modified Amendment No. 3113
PURPOSE OF AMENDMENT: To extend treatment of base closure areas as HUBZones for purposes of the Small Business Act

TEXT OF AMENDMENT:

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 the 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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Rubio/Nelson (FL)) Modified Amendment No. 3175
PURPOSE OF AMENDMENT: To limit the availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships
TEXT OF AMENDMENT:

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 shipbuilding 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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Carper) Amendment No. 3241
PURPOSE OF AMENDMENT: To repeal or modify certain mandates of the Government Accountability Office

TEXT OF AMENDMENT:

At the end, insert the following:

Subtitle II—GAO Mandates Revision Act**SEC. 101. SHORT TITLE.**

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

SEC. 102. 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.”.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Carper) Amendment No. 3242
PURPOSE OF AMENDMENT: To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending

TEXT OF AMENDMENT:

At the end, insert the following:

Subtitle I—Improper Payments Elimination and Recovery Improvement Act

SEC. 101. SHORT TITLE.

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

SEC. 102. DEFINITIONS.

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and
 (2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 103(a)(1) of this subtitle.

SEC. 103. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or
 “(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semiannual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii)

shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—

The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique

processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c)”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d)”.

SEC. 104. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

SEC. 105. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph

(1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient,

regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5,

United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE

OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 106. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Thune) Modified Amendment No. 3277
PURPOSE OF AMENDMENT: To express the sense of Congress regarding the reallocation of government spectrum

TEXT OF AMENDMENT:

At the appropriate place, insert the following:

SEC. III. 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 longterm 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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Moran/Ayotte) Modified Amendment No. 3285
PURPOSE OF AMENDMENT: In the nature of a substitute—GAO report on DOD conference costs

TEXT OF AMENDMENT:

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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Bennet) Modified Amendment No. 3226
PURPOSE OF AMENDMENT: To make enhancements to the Troops-to-Teachers program

TEXT OF AMENDMENT:

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 technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing or to

meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Levin (for Hatch) Modified Amendment No. 3117
PURPOSE OF AMENDMENT: To provide that the rating chain for a system program manager may include any senior official located at an Air Logistics Complex where the system program manager is based

TEXT OF AMENDMENT:

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.

DISPOSITION: Passed by voice vote.

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: McCain Modified Amendment No. 3262
PURPOSE OF AMENDMENT: To require a report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria

TEXT OF AMENDMENT:

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.

DISPOSITION: Passed by roll call vote, 92-6.

YEAS—92

Akaka
Aytte
Barrasso
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)

Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Conrad
Coons
Corker
Cornyn

Crapo
Enzi
Feinstein
Franken
Gillibrand
Graham
Grassley
Hagan
Harkin
Hatch
Heller
Hoeven
Inhofe
Inouye

Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski

Moran
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Portman
Pryor
Reed
Reid
Risch
Roberts
Rubio
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune

Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—6
Alexander
DeMint
Durbin
Hutchison
Lee
Paul

NOT VOTING—2
Kirk
Rockefeller

**VOTES ON AMENDMENTS TO S. 3254
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013**

DATE VOTE OCCURRED: December 4, 2012
SPONSOR OF AMENDMENT: Kyl Modified Amendment No. 3123
PURPOSE OF AMENDMENT: To require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems

TEXT OF AMENDMENT:

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

SEC.1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.-Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF THE SENATE ON CERTAIN AGREEMENTS.-It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

DISPOSITION: Passed by voice vote.