TEXT OF AMENDMENTS

SA 2946. Mr. PRYOR (for himself and Mr. JOHANNS) 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 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 4102(a)(1) of title 38, United States Code, is amended by adding at the end of 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 shall 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 considers 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

"(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I)."

(b) Certification or license.—Subparagraph (A) of subsection (a) is amended by inserting in the table of sections at the beginning of such chapter the following:

"107A. Honoring as veterans certain persons who performed service in the reserve components."

SEC. 2948. Mr. WEBB 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 of subtitle H of title X, add the following:

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

Section 408(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2012" and inserting "December 31, 2013."

SA 2949. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title 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."

SA 2950. Mr. BEGICH (for himself and Ms. AYOTTE) 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:

SEC. 2844. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.

(a) Establishment.—Notwithstanding section 2409 of title 38, United States Code, the Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army to the Secretary of the Army to be made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States. The monument shall be known as the "Gold Star Mothers National Monument.

(b) Payment of expenses.—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.

SA 2951. Mr. BEGICH (for himself, Mr. MANCHIN, Mr. WYDEN, Mrs. HUTCHISON, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1048. PROHIBITION ON DIVESTMENT, RETIREMENT, OR TRANSFER OF ARMY C-23 AIRCRAFT DURING FISCAL YEAR 2013.

(a) Prohibition.—

(1) In general.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army may be obligated or expended to divest, retire, transfer, or prepare to divest, retire, or transfer, any of the 38 C-23 aircraft assigned to the Army as of October 1, 2012.

(2) Sustainment in operationally viable state.—The Army shall sustain the C-23 aircraft described in paragraph (1) in an operationally viable state during fiscal year 2013.

(b) Funds available for sustainment and operation of aircraft.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301, $9,200,000 may be available for the sustainment and operation of the C-23 aircraft specified in subsection (a) during fiscal year 2013.

SA 2952. Mr. BEGICH (for himself, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year...
SA 2955. Mr. Begich submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations 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. 1044. TREATMENT OF DEPARTMENT OF DEFENSE UTILITIES PRIVATIZATION PROJECTS.

(a) In general.—In the case of a contract awarded under section 2686 of title 10, United States Code, all conveyances, connections, or capital improvements made pursuant to such contract shall be considered as contributions to the capital of the taxpayer for purposes of section 118 of the Internal Revenue Code of 1986.

(b) Effective date.—Subsection (a) shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.

SA 2954. Mr. Begich submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, between lines 15 and 16, insert the following:

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

SA 2955. Mr. Leahy submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1084. TREATMENT OF DEPARTMENT OF DEFENSE UTILITIES PRIVATIZATION PROJECTS.

(a) In general.—In the case of a contract awarded under section 2686 of title 10, United States Code, all conveyances, connections, or capital improvements made pursuant to such contract shall be considered as contributions to the capital of the taxpayer for purposes of section 118 of the Internal Revenue Code of 1986.

(b) Effective date.—Subsection (a) shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.
(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 death of the public safety officer;"

(ii) of duty'' and inserting ''who have sustained disability, or injury'';

(iv) of 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 have been caused by a cardiovascular-disease risk factor or other emergency response activity; or

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

(iii) in paragraph (5)—

"(i) by striking "post-mortem" each place it appears and inserting "post-injury";

(iii) in subparagraph (B), as so redesignated, by striking "death" and inserting "fetal or catastrophic injury";

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

(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 as part of an official emergency response system; and

"(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)(i), 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 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 1204 (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 include any subsequent amendments to the provision;"

"(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), subsections 1213 and 1214 (42 U.S.C. 3796d–3), and paragraphs (a) and (b) of section 1216 (42 U.S.C. 3796c–5), by striking "dependent" each place it appears and inserting "person";

"(H) in section 1204 (42 U.S.C. 3796d–1)—

"(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";

"(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 PAYMENTS—For public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack—Section 441 of the Unit- ing 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 an entity described in section 1204(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(b)B) after "employed by such agency"

"(3) TECHNICAL AND CONFORMING AMEND- MENT.—Section 402(1)(4)(C) of the Internal Revenue Code of 1986 is amended—

"(i) by striking ". Such beneficiaries shall be computed under such section 8191 as"; and

"(ii) by striking ". That the amount payable under this sub- section shall be the amount payable as of the date of catastrophic injury of such public

"(a) dependents' each place it appears and inserting "person's"; and

"(b) by striking ". That, on and after the date of enactment of the Public Safety Officers' Benefits Improve- ments Act of 2012, to each such statute—"

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

"(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) by striking 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 sub- mitted 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 be brought 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 pre- scribed for appeal to United States District 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 Improve- ments 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 (b) of the amendments made by this section—

(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(c) 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.

SA 2956. Mr. PORTMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 2957. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 561. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMES FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS.

(a) Automatic Approval by Secretary of Veterans Affairs of Degree Programs Approved by Secretary of Education.—

(1) in general.—Section 3675 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, is amended—

(i) A course that is described by section 3675(a) of this title; and

(ii) by inserting before subsection (c), as redesignated by subparagraph (A), the following:

‘‘(a) The Secretary or a State approving agency may only approve a course that leads to an associate degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

(b) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

(i) the course—

(A) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

(B) in the case of a course designed to prepare individuals for licensure or certification, the curricular or educational requirements relating to such licensure or certification requirements of the State in which the institution is located;

and

(iii) in the case of a course designed to prepare an individual for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency;

(B) such course is approved by the State department of education for credit for a teacher’s certificate under 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395–3(3)(2)(A)(i) and 1396v–2(2)(A)(i));

(2) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), a new subsection (b) to read as follows:

‘‘(b)(1) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

(A) the course—

(i)’'}
substantiate the truthfulness of such advertisements.

‘‘(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

‘‘(19) The educational institution does not make any misrepresentations (as defined in section 668.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in sections 668.72 through 668.74 of such title, respectively (or any corresponding similar regulations or rulings)).

‘‘(20) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 660.9 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)).

(3) REQUIREMENT THAT ADDITIONAL REQUIREMENTS BE APPLIED TO CERTAIN NONACREDITED COURSES.—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by inserting ‘‘and approved by the Secretary’’ before the period at the end.

(4) CONFORMING AMENDMENTS.—Section 3676 of such title is amended—

(A) in the heading for such section, by striking ‘‘nonaccredited courses’’ and inserting ‘‘courses not approved by Secretary of Education’’; and

(B) in subsection (c), in the matter before paragraph (1), by striking ‘‘nonaccredited’’.

(5) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

‘‘3676. Approval of courses not approved by Secretary of Education.’’

(d) ASSISTANCE UNDER CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS AVAILABLE FOR USE ONLY AT FDS, DOD-APPROVED, AND AUTHORIZED INSTITUTIONS.

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006 the following new section:

‘‘2006a. Assistance for education and training: availability of certain assistance under Federal Direct Student Loan programs for members of the Selected Reserve under chapter 106 of this title.

(2) The program of educational assistance for members of the Selected Reserve under chapter 106 of this title shall take effect on August 1, 2013.

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

SEC. 562. MANDATORY COMPLIANCE REVIEWS.

(a) IN GENERAL.—Section 3693 of title 38, United States Code, is amended by adding at the end the following new subsection:

‘‘(c) In addition to the annual compliance surveys conducted under subsection (a), the Secretary shall also conduct a compliance review, in accordance with such regulations as the Secretary shall establish, of an educational institution described in such subsection whenever the Secretary finds any of the following:

‘‘(1) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

‘‘(2) The student dropout rate of the institution has increased rapidly.

‘‘(3) The cohort default rate, as defined in section 355 of the Higher Education Act of 1965 (20 U.S.C. 1079c), of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions.

‘‘(4) The number of substantiated complaints filed under section 3697(a) of this title with respect to the educational institution are significantly higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

‘‘(5) The educational institution is the subject of a criminal lawsuit in Federal or State court, is charged with a crime under Federal or State law, or is the subject of an official investigation of a State or Federal agency for misconduct.

‘‘(6) The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under this chapter, chapters 30 through 35 of this title, or the educational assistance programs or authorities specified through title 35 of this title, or the educational assistance programs or authorities specified through chapter 35 of this title.

‘‘(7) Such other findings as the Secretary considers warrant conducting a compliance review under this subsection.

(b) EFFECTIVE DATE.—Subsection (c) of such section, as added by subsection (a), shall take effect on August 1, 2013.

SA 2958. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize applications for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—MILITARY AND VETERANS EDUCATIONAL REFORM

SEC. 1801. SHORT TITLE.

This title may be cited as the ‘‘Military and Veterans Educational Reform Act of 2012’’.

2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions
(a) **Automatic Approval by Secretary of Veterans Affairs of Drigore Programs Approved by Secretary of Education**

Clause (i) of section 3672(b)(2)(A) of title 38, United States Code, is amended to read as follows:

"(i) in a course that is described by section 3676(a) of this title;"

(b) **Approval by Secretary of Veterans Affairs of Non-Degree Programs Approved by Secretary of Education**

(1) In general—Section 3675 of such title is amended—

(A) by redesignating subsections (b) and (c) as subsections (d) and, respectively;

(B) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), the following new paragraph:

"(a) The Secretary or a State approving agency may only approve a course that leads to an associate or higher degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education that—

(1) the course—

(A) leads to an associate or higher degree; and

(B) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education that—

(i) has verified completion and placement into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

(ii) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education that—

(i) leads to an associate or higher degree; and

(ii) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education that—

(2) **Conforming Amendments.**—Such title is amended by striking the item relating to section 3675 and inserting the following new item:

"3675. Approval of courses approved by Secretary of Education.

(c) Approval by Secretary of Veterans Affairs of Non-Degree Programs Not Approved by Secretary of Education**

(1) In general—Subsection (a) of section 3676 of such title is amended to read as follows:

"(a) No course of education which has not been approved by the Secretary or a State approving agency under section 3675 of such title shall be approved for the purposes of this chapter unless—

(1) the course—

(A) does not lead to an associate or higher degree;

(B) was not an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) at any time during the preceding two-year period; and

(C) is a course that the Secretary or State approving agency determines, in accordance with this section and such regulations as the Secretary may prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 36 through 35 of this title; and

(2) the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this section and such regulations as the Secretary may prescribe.

(2) **Additional Requirements.**—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (15);

(B) by inserting after paragraph (13) the following new paragraphs:

"(14) Courses providing less than 600 clock hours of instruction, or its equivalent, have verified completion and placement rates of at least 70 percent.

(15) Courses that prepare individuals for licensure or certification. If and only if the course’s instructional curriculum appropriately includes the licensure or certification requirements of the State in which the institution is located, which curriculum does.

(16) Courses for which a State board or agency in the State in which the course is designed to prepare a student requires approval or licensure for employment in the recognized occupation in the State is approved or licensed by such State board or agency.

(17) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in a course of education offered by the educational institution, the educational institution contains any other information necessary to substantiate the truthfulness of such advertising.

(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the acceptance of student financial aid, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(3) The educational institution does not make any misrepresentations (as defined in section 686.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or rule)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in section 686.72 through 686.74 of such title, respectively (or any corresponding similar regulations or rulings)).

(4) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 606.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or rule)."

(3) **Requirement that Additional Requirements Imposed by State Approving Agencies Be Approved by Secretary of Veterans Affairs.**—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by striking "and" and inserting the word "approved by the Secretary of Defense." before the period.

(4) **Conforming Amendments.**—Section 3676 of such title is amended—

(A) in the heading for such section, by striking "nonaccredited courses" and inserting "," and 

(courses not approved by Secretary of Education"; and

(B) in subsection (c), in the matter before paragraph (1), by striking "," and inserting "," and 

"courses not approved by Secretary of Education"; and

(d) **Assistance Under Certain Department of Defense Educational Assistance Programs Available for Use Only at Federal Direct Student Loan Participating Institutions**

(1) In general.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2206 the following new section:

'"§ 2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions

"(a) Assistance under such Department of Defense educational assistance programs available for use only at Federal Direct Student Loan participating institutions is available as of August 1, 2013, an individual eligible for assistance under a Department of defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094); and

(2) in the case of a program designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

(3) in the case of a program designed to prepare individuals for employment by a State board or agency, only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094); and

(2) in the case of a program designed to prepare individuals for employment by a State board or agency, requires approval or licensure for such employment, is approved or licensed by such State board or agency.

"(b) The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of
Defense educational assistance program or authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—
(1) is accredited and approved by a nationally recognized accrediting agency or association;
(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;
(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such programs or authorities;
(4) in the case of a program consisting of less than 600 clock hours of instruction, or its equivalent, has verified completion and placement rates of at least 70 percent;
(5) in the case of a program that prepares individuals for licensure or certification, has instructional curriculum that appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does;
(6) is a program designed to prepare a student for employment in a recognized occupation requiring approval or licensure for employment by a State board or agency; and
(7) the institution providing the program does not violate any constitution, agree, or any similar law, and, in the case of an educational institution, has a policy, or administers a policy, regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive student assistance.

(c) Definitions.—In this section:

(1) The term ‘Department of Defense educational assistance programs and authorities’ means the programs and authorities as follows:

(A) The programs to assist military personnel in achieving education and training to expand employment and portable career opportunities under section 178a of this title.

(B) The authority to pay tuition for off-duty training or education of members of the armed forces authorized under section 2007 of this title.

(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002)."

(b) Educational Assistance Under Laws Administered by Secretary of Veterans Affairs.—Section 3685 of title 36, United States Code, is amended—
(1) by adding at the end the following new subsection:

‘’(f) Effective date.—The amendments made by this section shall take effect on August 1, 2013.’’

SEC. 1802. REQUIREMENT THAT EDUCATIONAL INSTITUTIONS DISCLOSE TO STUDENTS INFORM IN STUDENT MATTERS RELATING TO ACCREDITATION AND OUTCOMES AS CONDITION FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS.

(a) Educational Assistance Under Laws Administered by Secretary of Veterans Affairs and Secretary of Defense.

(1) In general.—Chapter 101 of title 10, United States Code, is amended—

(A) in language that can be easily understood by the relevant population as specified in section 3697A(a) of title 10, including services provided under section 3679(a) of this title.

(B) The standards which a student must maintain in order to be considered to be making satisfactory progress in a course of education at the educational institution.

(C) The rates of job placement of students who complete a course of education at the educational institution.

(D) The percentage of students enrolled in the course of education each year the student is so enrolled; and

(2) in subsection (b)(2), as amended by section 831(b)(2)(Z) of appendix I to title 10, including services provided under section 3679 of this title.

(b) Educational Assistance Under Laws Administered by Secretary of Defense.—

(1) In general.—Chapter 101 of title 10, United States Code, is amended by inserting after section 1802a, as added by section 1802(d) of this Act, the following new section:

‘’(a) Definitions.—In this section:

(1) The term ‘Department of Defense educational assistance programs and authorities’ means the programs and authorities as follows:

(A) The programs to assist military personnel in achieving education and training to expand employment and portable career opportunities under section 178a of this title.

(B) The authority to pay tuition for off-duty training or education of members of the armed forces authorized under section 2007 of this title.

(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).’’.

(c) Effective date.—The amendments made by this section shall take effect on August 1, 2013.

(d) Assistance for education and training—For purposes of this section—

(1) the term ‘education’ has the meaning given that term in chapter 101 of title 10, United States Code; and

(2) the term ‘institute of higher education’ means an educational institution.

(e) Assistance for education and training—Availability of certain assistance available under chapter 101 of title 10, United States Code, for certain individuals—

(1) In general.—Chapter 101 of title 10, United States Code, is amended by inserting after section 1802a, as added by section 1802(d) of this Act, the following new section:

‘’(f) Effective date.—The amendments made by this section shall take effect on August 1, 2013.’’

SEC. 1803. REQUIREMENT THAT EDUCATIONAL INSTITUTIONS DISCLOSE TO STUDENTS THE ACHIEVEMENTS OF STUDENTS INFORM IN STUDENT MATTERS RELATING TO ACCREDITATION GROUPS AND OUTCOMES AS CONDITION FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEPARTMENT OF DEFENSE.

(a) Educational Assistance Under Laws Administered by Secretary of Veterans Affairs and Secretary of Defense.

(1) In general.—Section 3685 of title 36, United States Code, is amended—

(A) in language that can be easily understood by the relevant population as specified in section 3697A(a) of this title and such contact information as may be necessary to submit a complaint in accordance with such process.

(B) Any changes by the educational institution in such policies and established criteria that first took effect in the most recent one-year period.

(C) A statement of the requirements of any refund policies of the educational institution.

(D) A statement of the services available at the educational institution that are tailored specifically to meet the needs of individuals receiving assistance under this chapter, any of chapters 33 through 35 of this title, or an educational assistance program or authorities specified in section 3697A(a)(2) of title 36, United States Code, is amended—

(A) in language that can be easily understood by the relevant population as specified in section 3697A(a) of this title.

(B) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in the educational institution, such information as may be necessary to substantiate the truthfulness of the claims made in such advertising.

(C) In the case of an educational institution that advertises graduation rates, job placement rates, or other statistics as a means of attracting students to enroll in the educational institution, such information as may be necessary to substantiate the truthfulness of the claims made in such advertising.
Disclosure requirements of educational institutions

The Secretary may not provide a payment of educational expenses under an educational assistance program or authority specified under subsection (a) of section 3606A of this title for a title for an accredited institution of higher education (as defined in subsection (c) of such title) unless such institution discloses and makes readily available the information described in paragraph (2) of section 3672(d) of title 38 as described in paragraph (3) of such section 3672(d) to the following:

(1) Each individual considering enrolling in the course of education at or before the moment at which the individual applies for enrollment in such course of education.

(2) Each student who is enrolled in the course of education each year the student is so enrolled.

(3) The public.

Clerical amendment.—The table of sections at the beginning of chapter 38 of such title, as amended by section 1803(a)(2) of such title, as amended by section 1802(d) of such title, is further amended by striking ''3679A'' and inserting ''3679A''.

Effective date.—Section 3679A of such title, as added by paragraph (1), shall take effect on August 1, 2013.

SEC. 1804. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) Requirements.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, as amended by section 3672(b)(2)(A) of such title (other than paragraphs (1), (2) and (3) of subsection (b) thereof), shall, to the extent practicable, include the provisions described in subsection (c) of such section, as amended by section 1803(a)(2) of such title, as amended by section 1802(d) of such title:

(a) PROVISION OF COUNSELING AND SERVICES.—(1) An educational institution in which 20 or more covered individuals enrolled in programs of education at the educational institution may apply for admission under this chapter unless the educational institution provides adequate academic and student support services (as determined by the Secretary), including counseling, tutoring, and career and job placement counseling services to covered individuals.

(2) The Secretary, acting on a case-by-case basis, may, without the prior approval under subsection (1) of this title, approve the establishment of a new educational institution.

(b) The educational institution submits to the Secretary a plan to provide such services during the following academic year.

(b) REQUIREMENTS FOR EMPLOYMENT OF POINTS OF CONTACT.—An educational institution may not be approved under this chapter unless the educational institution employs a number of full-time equivalent employees that the Secretary considers adequate, but not less than one full-time equivalent employee, who—

(1) acts as a point of contact for covered individuals on matters relating to educational assistance available to individuals under this chapter and chapters 30 through 35 of title 38, and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10;

(2) is knowledgeable about such educational assistance available and such other financial aid, admissions, counseling and referral services, and matters relating to postsecondary education as are important to the educational success of covered individuals; and

(3) is available to assist covered individuals on a full-time basis.

(c) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘‘covered individual’’, with respect to enrollment in a program of education, means an individual who is receiving educational assistance under this chapter or any of chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 3672(b)(2)(A) of such title 10 for such program of education.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 36 of such title, as amended by inserting after the item relating to section 3679 the following new item:

(3) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on August 1, 2013.

SEC. 1805. STATE AUTHORIZING AGENCIES.

(a) Education and outreach requirement.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, as amended by section 3672(b)(2)(A) of such title, shall be amended by inserting after the item relating to section 3674A the following new section:

§ 3674B. Education and outreach.

(a) EDUCATION AND OUTREACH REQUIRED.—As a condition of receiving reimbursement expenses under section 3674 of this title, each State approving agency shall conduct such educational and outreach activities for individuals on matters relating to education at the educational institution that the Secretary determines is appropriate to assist such individuals in making well-informed choices about their education and successfully transitioning into an educational environment.

(b) COORDINATION.—Each State approving agency conducting outreach activities under subsection (a) shall coordinate with the Secretary of Defense to ensure, as the Secretary of Defense considers appropriate, that information on educational assistance available to individuals on matters relating to education at the educational institution has increased rapidly.

(c) REPORTS.—Section 3674(a)(3) of such title is amended by inserting at the end of such section the following new subsection:

(4) SUBMISSION OF REPORTS.—The Secretary shall submit, in accordance with such regulations as the Secretary may prescribe, a report to the Congress detailing the status of implementation of this section whenever the Secretary finds any of the following:

(i) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

(ii) The cohort default rate of comparable educational institutions has decreased.

The number of substantiated complaints filed with section 3697C(a)(1) of this title with respect to the educational institution.

(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a violation of Federal law, or is the subject of an official investigation of a State or Federal agency for misconduct.

(6) The educational institution has received a publicized adverse finding from the Secretary or the State approving agency approved the courses offered in such State.

(7) A detect misrepresentation, fraud, waste, and abuse.

(b) Audits.—Section 3673(d) of such title is amended by—

(B) to ensure full compliance with the provisions of this chapter; and

(C) reports to the Congress and the Secretary of Defense, as the Secretary considers appropriate, of any of the following:

(i) A description of the audits carried out by the agency under section 3673(d)(2) of this title and the findings of the agency, including—

(A) the number of substantiated complaints filed under section 3697C(a)(1) of this title; and

(B) the rate of student enrollments of, the educational institution has increased rapidly

(ii) A description of the outreach and training activities conducted by the agency under section 3674B of this title.

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

SEC. 1806. MANDATORY COMPLIANCE REVIEWS.

(a) In general.—Section 3693 of title 38, United States Code, is amended by adding at the end of such section the following new subsection:

(c) The Secretary shall conduct an annual review of each State approving agency in the State of the State approving agency approved the courses offered in such State.

(2) by inserting the following new paragraph:

(2) Each report submitted under subparagraph (A) shall include the following:

(i) The number of visits made by the agency to educational institutions, including the number of such visits that were made without the prior knowledge of such educational institution.

(ii) A description of the audits carried out by the agency under section 3673(d)(2) of this title and the findings of the agency, including—

(A) the number of substantiated complaints filed under section 3697C(a)(1) of this title; and

(B) the rate of student enrollments of, the educational institution has increased rapidly.

(iii) A description of the outreach and training activities conducted by the agency under section 3674B of this title.

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

§ 3679A. Additional requirements.

§ 3679A. Additional requirements.

(a) Education and outreach requirement.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding after the item relating to section 3674A the following new section:

§ 3674B. Education and outreach.

(a) EDUCATION AND OUTREACH REQUIRED.—As a condition of receiving reimbursement expenses under section 3674 of this title, each State approving agency shall conduct such educational and outreach activities for individuals on matters relating to education at the educational institutions

(b) COORDINATION.—Each State approving agency conducting outreach activities under subsection (a) shall coordinate with the Secretary of Defense to ensure, as the Secretary of Defense considers appropriate, that information on educational assistance available to individuals on matters relating to education at the educational institution has increased rapidly.

(c) REPORTS.—Section 3674(a)(3) of such title is amended by inserting at the end of such section the following new subsection:

(4) SUBMISSION OF REPORTS.—The Secretary shall submit, in accordance with such regulations as the Secretary may prescribe, a report to the Congress detailing the status of implementation of this section whenever the Secretary finds any of the following:

(i) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

(ii) The cohort default rate of comparable educational institutions has decreased.

(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a violation of Federal law, or is the subject of an official investigation of a State or Federal agency for misconduct.

(6) The educational institution has received a publicized adverse finding from the Secretary or the State approving agency approved the courses offered in such State.

(7) A detect misrepresentation, fraud, waste, and abuse.

(b) Audits.—Section 3673(d) of such title is amended by—

(B) to ensure full compliance with the provisions of this chapter; and

(C) reports to the Congress and the Secretary of Defense, as the Secretary considers appropriate, of any of the following:

(i) A description of the audits carried out by the agency under section 3673(d)(2) of this title and the findings of the agency, including—

(A) the number of substantiated complaints filed under section 3697C(a)(1) of this title; and

(B) the rate of student enrollments of, the educational institution has increased rapidly.

(ii) A description of the outreach and training activities conducted by the agency under section 3674B of this title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.
through 35 of this title, or the educational assistance programs or authorities specified in section 2006a(c)(1) of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters, programs, or authorities.

(7) Such other findings as the Secretary considers appropriate, conducting a compliance survey under subsection (a).

(b) Effective date.—Subsection (c) of this section, as added by subsection (a), shall take effect on August 1, 2013.

SEC. 1807. TRAINING AND COUNSELING SO VETERANS AND MEMBERS OF THE ARMED FORCES MAY MAKE INFORMED DECISIONS ABOUT EDUCATION.

(a) In General.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3697B. Required one-on-one educational counseling

"(a) Provision of counseling required.—(1) The Secretary of Veterans Affairs shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under an educational assistance program authorized by the Secretary of Defense, as the case may be, as appropriate.

(2) The Secretary of Defense shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under an educational assistance program authorized by the respective Secretary.

(b) Time and manner of counseling.—(1) Counseling provided under subsection (a) to an individual described in subsection (a)(1) of this section shall consist of counseling to an individual described in subsection (a)(1) of this section with respect to educational institutions:

(i) To such individuals who have received fewer than 1⁄3 of the credits necessary to complete the program of education, a complete version of such counseling;

(ii) To such individuals who have received 1⁄3 or more of the credits necessary to complete the program of education, a condensed version of such counseling as the Secretary of Veterans Affairs considers appropriate.

(c) Elements.—A complete version of counseling provided under subsection (b)(1) for an individual shall include the following:

(i) An introduction to the College Navigator Internet website of the Department of Education.

(ii) Qualified counselors.—Counseling provided under subsection (a) may only be provided by properly trained counselors, as determined by the Secretary of Veterans Affairs and the Secretary of Defense.

(iii) Use of information disclosed by educational institutions.—In providing educational assistance under this section, the Secretary of Veterans Affairs may require the Secretary of Defense to, to the degree practicable, use the information disclosed and made readily available under section 3672(d)(1) of this title, or another section of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense may share such information with other Federal agencies, as otherwise allowed under law.

(iv) Links to College Navigator Internet website of Department of Education.—The Secretary of Veterans Affairs shall provide links to the College Navigator Internet website of the Department of Education, as otherwise allowed under law.

(v) An introduction to the College Navigator Internet website of the Department of Education.

(vi) Use of information disclosed by educational institutions.—In providing educational assistance under this section, the Secretary of Veterans Affairs may require the Secretary of Defense to, to the degree practicable, use the information disclosed and made readily available under section 3672(d)(1) of this title, or another section of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense may share such information with other Federal agencies, as otherwise allowed under law.

(b) Information sharing between Secretaries of Veterans Affairs, Secretary of Defense, and Secretary of Education.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish a process by which the Secretary of Veterans Affairs and the Secretary of Defense may share information with respect to educational institutions:

(i) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(ii) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(iii) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(iv) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(b) Information sharing between Secretaries of Veterans Affairs, Secretary of Defense, and Secretary of Education.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish a process by which the Secretary of Veterans Affairs and the Secretary of Defense may share information with respect to educational institutions:

(i) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(ii) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(iii) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

(iv) To such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.
“(a) IN GENERAL.—The study shall be the Secretary of Defense shall develop, test, and validate certain medical training methods for the purposes of training members of the armed forces in the treatment of combat trauma injuries, and which will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training methods, as the case may be.

“(b) ELEMENTS.—(1) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(c) may not use animals for such purpose.

“(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or the requirement for human-based training methods under subsection (a) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be rescinded, subject to the conditions of this subsection.

“(c) ANNUAL REPORTS.—(1) Not later than October 1, 2013, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live animal-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2016, shall include a description of any exemption under subsection (b) that is in force as of the time of such report, and a current justification for such exemption.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;
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SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTITRADES 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:

"(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 multi-trade functions shall be promoted by one grade level;"; and

(b) 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, "."

SEC. 325. EXPANSION AND REAUTHORIZATION OF MULTITRADES DEMONSTRATION PROJECT.

(a) ABOLITION.—Section 4703 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "(a)" and inserting "(a);"

(2) by striking period at the end of paragraph (1) and inserting a semicolon;

(3) in paragraph (2), by striking the period at the end and inserting a comma.

(b) ABOLITION.—Section 8412(d) of title 38, United States Code; and

(c) EFFECTIVE DATE.—This section (including the amendment made by subsection (a)) shall take effect on the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SA 2967. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 221. EXPANSION OF TAIWAN SEAPORTS.

(a) IN GENERAL.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS UNDERWOOD (FFG-36), USS CARR (FFG-52), USS VANDEGRIFT (FFG-48), and USS NICHOLAS (FFG-47) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan Instrumentalities designator pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(b) ALTERNATIVE TRANSFER AUTHORITY.—In the event that a recipient to which a vessel transfer is authorized under subsection (a) declines to accept the vessel, the President is authorized to transfer such vessel to another eligible recipient. Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), and shall be subject to the applicable congressional notification requirements of that Act.

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of such a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

SA 2969. Mr. HELLER (for himself and Mr. CHAMBLISS) 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:

SEC. 304. DETERMINATION OF CERTAIN SERVICE AS PHILIPPINES DURING WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in section (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

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

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the "Missouri List".

SA 2968. Mr. COATS 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:

SEC. 1024. TRANSFER OF CERTAIN NAVAL VESSELS TO TAIWAN.

(a) TRANSFER BY SALE.—The President is authorized to transfer to the Republic of China the OLIVER HAZARD PERRY class guided missile frigates USS UNDERWOOD (FFG-36), USS CARR (FFG-
SA 2970. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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 Remembrance.

SA 2973. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, 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.

SA 2974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 888. INAPPLICABILITY TO DEPARTMENT OF DEFENSE OF CERTAIN ALTERNATIVE FUEL PROCUREMENT REQUIREMENTS.

Section 506 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended—

(1) by inserting ‘‘(a) IN GENERAL.—’’, before ‘‘No Federal agency’’; and

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

'(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall not apply to the Department of Defense.’’

SA 2975. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 314. MODIFICATION OF DEFINITION.

Section 3(2)(B)(v) of the Toxics Substances Control Act (15 U.S.C. 1260(2)(B)(v)) is amended by inserting after ‘‘Code,’’ the following: ‘‘or any component of any such article, including, without limitation, shot, bullets and other projectiles, propellants, and primers.’’

SA 2976. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1092. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEE WHO WILL BE DETAINED LONG-TERM.

(a) REQUIREMENT.—Each high-value enemy combatant who is captured or otherwise detained long-term by the United States shall, while under such detention, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(b) HIGH-VALUE ENEMY COMBATANT DE- TAINEE.—This section does not apply to enemy combatant means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

SA 2977. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 827. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.

(a) ASSESSMENT.—The Secretary of Defense shall, in consultation with the members of the National Security Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.
(b) ELEMENTS.—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(2) A consideration of the history, rationale, and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(3) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(4) The impact of current Federal acquisition rules on warfighter access to the latest technologies.

(5) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(6) An assessment of the feasibility and advisability of establishing an independent commission to reform Federal acquisition rules.

(7) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

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

SA 2978. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 888. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACT UNDER AIR FORCE NETCENTS-2 CONTRACT.

(a) PLAN REQUIRED.—Not later than 180 days after the date of 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 “on-ramps” under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

SA 2979. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 272. SENSE OF SENATE ON USE OF ARTIFICIAL INTELLIGENCE IN TRAINING EXERCISES 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 modeling and simulation has reduced the overall costs of training of members of the Armed Forces, there are significant costs associated with contractor overhead, including costs in connection with playing the role of opposing forces, civilian populations, government agencies, and non-government organizations during training exercises;

(3) advances in artificial intelligence could reduce the number of contractors required to support training exercises for members of the Armed Forces, and thereby reduce overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of artificial intelligence during training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

SA 2980. Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1084. PROHIBITIONS RELATING TO REFERRAL TO GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, as a result of the amendment made by section 808(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(2) 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.

(3) 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).

(4) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

SEC. 526. PROHIBITION ON WAIVER FOR COMMUNICATION 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.

SA 2982. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1084. PROHIBITIONS RELATING TO REFERRAL TO GI BILL AND POST-9/11 GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"s 3697b. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.

"(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner reasonably and falsely intending to suggest that such use is approved, endorsed, or authorized by the Department or any component thereof.

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

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

SEC. 1084. PROHIBITIONS RELATING TO REFERRAL TO GI BILL AND POST-9/11 GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:
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“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection, with or without a person, goods, services, or commercial activity is not a violation of this subsection may not be made in a manner that will promote, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) Enforcement by Attorney General.—(1) Whenever it appears to the Attorney General of the United States that any person is engaged in or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate civil proceedings in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(b) Clerical Amendment.—The table of sections at the beginning of chapter 36 of title 30 of the United States Code is revised as follows:

“(a) Designation of Distinguished Flying Cross National Memorial in Riverside, California.

“(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 the 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, the Secretary of the Interior shall transfer to the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

“(2) Description of Federal Land.—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 the Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

“(a) Amendment.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6772(a)(1)(B)) is amended by striking ‘‘6 or more years’’ and inserting ‘‘4 or more years’’.

“(b) Effect on 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 the Attorney General of the United States that any person is engaged in or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate civil proceedings in a district court of the United States to enjoin such act or practice.

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

“(a) Fiscal Year 2013 Administration.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6772(c)), the Secretary of Defense may administer the Troops-To-Teachers Program during fiscal year 2013. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

“(b) Years of Service Requirements.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6772(a)(2)(A)(i)) is amended by striking ‘‘6 or more years’’ and inserting ‘‘4 or more years’’.

“(c) Definition of Local Educational Agency and Public Charter Schools.—(1) Amendment.—Section 200(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6772(a)(1)(B)) is amended to read as follows:

“(2) Effective Date.—The amendment made by paragraph (1) applies 30 days after the date of the enactment of this Act.
SA 2988. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Title 5. SHORT TITLE.

This title may be cited as the ‘‘Nuclear Terrorism Conventions and Maritime Safety Act of 2012’’.

Subtitle A—Safety of Maritime Navigation

SECTION 11. AMENDMENT TO SECTION 2200 OF TITLE 18, UNITED STATES CODE.

Section 2200 of title 18, United States Code, is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking ‘‘a ship flying the flag of the United States and inserting ‘‘the vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70022 of title 46)’’;

(B) in clause (ii), by inserting ‘‘, including the territorial seas’’ after ‘‘in the United States’’; and

(C) in clause (iii), by inserting ‘‘, by a United States corporation or legal entity, after ‘‘by a national of the United States’’;

(2) in subsection (c), by striking ‘‘section 2200A’’ and inserting ‘‘section 2200A(a)’’; and

(3) by striking subsections (d) and (e) and inserting the following:

‘‘(d) DEFINITIONS.—In this section and in sections 2200a, 2201, and 2201a—

‘‘(1) APPLICABLE TREATY.—The term ‘applicable treaty’ means—

(A) the Convention for the Suppression of Unlawful Acts of Violence against the Safety of Civil Aviation, done at The Hague on 16 December 1970;

(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreux on 23 September 1971;

(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

(D) the International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1977;

(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979; and

(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreux on 23 September 1988;

(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Flight of Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

(H) the International Convention for the Suppression of Unlawful Acts against the Safety of Aircraft, adopted by the General Assembly of the United Nations on 15 December 1997; and


‘‘(2) ARMED CONFLICT.—The term ‘armed conflict’ means a situation of hostilities such as full-scale war, armed hostilities, internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

‘‘(3) BIOLOGICAL WEAPON.—The term ‘biological weapon’ means—

(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

‘‘(4) CHEMICAL WEAPON.—The term ‘chemical weapon’ means, together or separately—

(A) toxic chemicals and their precursors, except if intended for—

(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of toxic chemicals as a means of warfare; or

(iv) law enforcement, including domestic riot control purposes, if the types and quantities used are consistent with such purposes;

(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals as an incidental result of a submunition would be released as a result of the employment of such munitions and devices; and

(C) any equipment designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

‘‘(5) COVERED SHIP.—The term ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country.

‘‘(6) EXPLOSIVE MATERIALS.—The term ‘explosive materials’ has the meaning given the term in section 841(c) and includes an explosive (as defined in section 841(j)).

‘‘(7) INFRASTRUCTURE FACILITY.—The term ‘infrastructure facility’ means the meaning given the term in section 2332(f)(5).

‘‘(8) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ means the meaning given the term in section 811(f)(3).

‘‘(9) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces which under their formal command, control, and responsibility.

‘‘(10) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).


‘‘(12) NON-PROLIFERATION STATE PARTY.—The term ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty.

‘‘(13) NUCLEAR WEAPON STATE PARTY TO THE NON-PROLIFERATION TREATY.—The term ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article I(X) of the Non-Proliferation Treaty.

‘‘(14) PLACE OF PUBLIC USE.—The term ‘place of public use’ has the meaning given in section 252f(6).

‘‘(15) PRECURSOR.—The term ‘precursor’ has the meaning given the term in section 2332(e)(7).

‘‘(16) PUBLIC TRANSPORTATION SYSTEM.—The term ‘public transportation system’ has the meaning given under section 2332(e)(7).

‘‘(17) SERIOUS INJURY OR DAMAGE.—The term ‘serious injury or damage’ means—

(A) serious bodily injury,

(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or
governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury by paragraph (2) of section 2290 of the Statute, done at New York on 26 October 1956.

(20) SPECIAL FISSONABLE MATERIAL.—The term ‘special fissionable material’ has the meaning given the term in section 229F(8)(A).

(21) TERRITORIAL SEA OF THE UNITED STATES.—The term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baseline of the United States determined in accordance with international law.

(22) TOXIC CHEMICAL.—The term ‘toxic chemical’ has the meaning given the term in section 229P(6)(A).

(23) TRANSPORT.—The term ‘transport’ means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

(24) UNITED STATES.—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Canal Zone, the Northern Mariana Islands, and all territories and possessions of the United States.

EXCEPTIONS.—This section shall not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country to the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and agree with the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, when practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master’s intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master’s possession that pertains to the alleged offense.

(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit an offense or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds shall be subject to forfeiture.

(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury by paragraphs (2) and (3) of section 2671 of the Statute, done at New York on 26 October 1956.

(19) SOURCE MATERIAL.—The term ‘source material’ has the meaning given the term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

(20) SPECIAL FISSONABLE MATERIAL.—The term ‘special fissionable material’ has the meaning given the term in section 229F(8)(A).

(21) TERRITORIAL SEA OF THE UNITED STATES.—The term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baseline of the United States determined in accordance with international law. The term ‘special fissionable material’ has the meaning given the term in section 229F(8)(A).

(22) TOXIC CHEMICAL.—The term ‘toxic chemical’ has the meaning given the term in section 229P(6)(A).

(23) TRANSPORT.—The term ‘transport’ means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

(24) UNITED STATES.—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Canal Zone, the Northern Mariana Islands, and all territories and possessions of the United States.

EXCEPTIONS.—This section shall not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

(2) activities undertaken by military forces of a state in the exercise of their official duties.

DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country to the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and agree with the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, when practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master’s intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master’s possession that pertains to the alleged offense.

(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit an offense or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds shall be subject to forfeiture.

(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury by paragraphs (2) and (3) of section 2671 of the Statute, done at New York on 26 October 1956.
the United States to do or abstain from doing any act.

"(c) EXCEPTIONS.—This section shall not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

"(2) activities undertaken by military forces of a state in the exercise of their official duties.

"(d) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of which, or any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

"(e) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 98(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.

"(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following:

"2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.

SEC. 13. EXCEPTIONS TO LAW PROHIBITING VIOLENCE AGAINST MARITIME FIXED PLATFORMS.

Section 2233 of title 18, United States Code, is amended—

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by striking ''or section'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and inserting ''section 13(c)'' and 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"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

"(2) activities undertaken by military forces of a state in the exercise of their official duties.

"(e) DEFINITIONS.—In this section:

"(1) ARMED CONFLICT.—The term ‘armed conflict’ has the meaning given in section 2332f(e)(11).

"(2) DEVICE.—The term ‘device’ means—

"(A) any nuclear explosive device; or

"(B) any radioactive material dispersal or radiation-emitting device that may, owing to its physical properties, cause death, serious bodily injury or substantial damage to property or the environment.

"(3) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

"(4) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those military forces who are under their formal command, control and responsibility.

"(5) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(6) NUCLEAR FACILITY.—The term ‘nuclear facility’ means—

"(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose; (B) any plant or conveyance being used for the storage, processing or transport of radioactive material; or

"(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of a significant amount of radiation or radioactive material.

"(7) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given the term in section 831(f)(4).

"(8) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means nuclear material and other radioactive substances that contain one or more isotopes of any of the radioactive elements that are not in radioactive disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles, and gamma rays) and that may, according to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

"(9) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given the term in section 831(f)(4).

"(10) STATE.—The term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state.

"(11) STATE OR GOVERNMENT Facility.—The term ‘state or government facility’ has the meaning given in section 2332f(e)(3).

"(12) UNITED STATES CORPORATION OR LEGAL ENTITY.—The term ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States.

"(13) VESSEL.—The term ‘vessel’ has the meaning given the term in section 1502(19) of title 46.

"(14) VESSEL OF THE UNITED STATES.—The term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46."

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following: ‘‘2332l. Acts of nuclear terrorism.’’

"(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

"(d) NONAPPLICABILITY.—This section shall not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

"(2) activities undertaken by military forces of a state in the exercise of their official duties.

"(e) APPLICABILITY.—Nothing in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

"(f) ARMED CONFLICT.—The term ‘armed conflict’ has the meaning given the term under international law, and includes all political subdivisions of the state.

"(g) STATE GOVERNMENT Facility.—The term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3); and

"(h) VESSEL.—The term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46."

"(2) ANCILLARY MEASURES.

"(a) FEDERAL CRIME UNDER LAW OF WAR.—Section 2332g(g)(5)(B) of title 18, United States Code, is amended by inserting ‘‘2332l (relating to acts of nuclear terrorism),’’ before ‘‘2339 (relating to harborers of terrorists),’’

"(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PROHIBITED.—Section 2339(a)(1) of title 18, United States Code, is amended by inserting ‘‘, 2332l,’’ after ‘‘2332h.’’

"(2) Mr. HOEVEN (for himself, Mr. TESTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of 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 mandated by the New START Treaty, the United States should retain a nuclear ‘‘Triad’’ of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, and intercontinental 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 maintaining 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 continue 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.

SA 2992. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1074. MAINTENANCE OF ICBM LAUNCH FACILITY INVENTORY.

Consistent with the treaty obligations of the United States, the Secretary of Defense shall maintain an inventory of 450 operational intercontinental ballistic missile launch facilities whether in deployed or non-deployed status.

SA 2993. Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1045. TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) In providing health care under section (a) to a covered beneficiary described in paragraph (3)(A), the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

(2) In carrying out this subsection, the Secretary shall ensure that—

"(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

"(B) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in subparagraph (A), the employee or contractor shall meet minimum qualifications, including 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.

"(3)(A) A covered beneficiary described in this subparagraph is a covered beneficiary who is a beneficiary by virtue of—

"(i) in paragraph (1) shall include analysis of measures that could be taken to—

"(1) in paragraph (3), by inserting before "and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle P 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 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) 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 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 of, 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 capability to extract rare earth phosphors, reprocess them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

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

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 709(a)(1) 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 9314(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
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 5605 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 (a) will not be inconsistent with anti-trust 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 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 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the assessment and recommendations made under subsection (c).

SEC. 3503. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 56001 of title 46, United States Code, is amended—

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

(b) DISPLACEMENT OF MILITARY PERSONNEL.—In conducting an assessment, the Secretary 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:

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 5605 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 (a) will not be inconsistent with anti-trust 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 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 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the assessment and recommendations made under subsection (c).

SEC. 3503. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 56001 of title 46, United States Code, is amended—

(1) in paragraph (3), 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 “the project may” and all that follows through the end of the subsection and inserting “the project may”;

(4) in subsection (f), by striking “shall” each place it appears and inserting “shall”;

(b) DOCUMENTATION.—Section 56005 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, 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, demon-
strate, or improve emerging marine tech-
nologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emis-
sions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative marine energy (includ-
ing the use of shore power); or

“(C) controlling aquatic invasive species;

“(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; or

“(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 co-operative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).

“(e) 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 tech-
nical assistance.”.

SEC. 3505. IDENTIFICATION OF ACTIONS TO ENHANCE QUETIFIED 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 insert-
ing the following:

“(1) In general.—When the head;” and

(2) by adding at the end the following:

“(2) DETERMINATIONS.—The Maritime Ad-

ministrator 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; and

“(B) provide notice of each such deter-

mination 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 such issuance 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 Senate and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navi-
gation and vessel-inspection laws under this section not later than 48 hours after receiv-
ing 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 sub-
paragraph (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 train-
ing requirements imposed by domestic and international regulations, and their effect on companies, and government agencies that charter or operate vessels;

(2) evaluate the capabilities 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 maritime training and educational assistance programs avail-

able from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners; and

(5) include recommendations to enhance the capabilities of the United States mari-
time training infrastructure.

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the re-

quired 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 Transpor-
tation and Infrastructure of the House of Representa-
tives.

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 Ac-
countability Office shall conduct an assess-
ment of the source selection procedures and practices used to award the Maritime Administra-
tion’s National Defense Reserve Fleet vessel recycling contracts. The Com-
ptroller General shall assess the process, pro-
cedures, and practices used for the Maritime Administra-
tion’s qualification of vessel recycling entities; the Maritime Ad-

ministration’s National Defense Reserve Fleet vessel recycling contracts. The Comp-
troller 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 Transpor-
tation and Infrastructure and the Committee on Armed Services of the House of Repre-
sentatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration’s con-
trol of the source selection procedures and prac-
tices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assess-
ment 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 rail-on/roll-off or load-on/off roll-off technology in marine highway maritime commerce.  

SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS EXPERT ADVICE.  
Section 5110(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”.  

SA 2997. Mr. CASEY (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military construction, defense activities of the Department of Energy, and for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle E of title X, add the following:  

SEC. 1048. 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) Program Authorized.—  
“(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:  

“(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) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.  

“(2) 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.  

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1)—  

“(A) The Secretary to carry out this section—  

“(a) the Secretary of Veterans Affairs, and other Federal, State, and local agencies.  

“(1) 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).  

“(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 or 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 include the following:  

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (b) 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 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) 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.  

“(f) AUTHORIZATION OF APPROPRIATIONS.—  

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—  

“(1) $10,000,000 for fiscal year 2013; and  

“(2) such sums as may be necessary for each fiscal year thereafter.  

“(2) CLEARKWENAMENT.—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).  

SA 2998. Ms. AYOTTE (for herself, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title 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.  
None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to the United States, its territories, or possessions of Khairul 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, Guantanambo Bay, Cuba, by the Department of Defense.  

SA 2999. Ms. AYOTTE (for herself, Mr. LIEBERMAN, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title X, add the following:  

SEC. 1033. PLAN FOR LONG-TERM DETENTION FACILITY IN UNITED STATES FOR DETENTION OF INDIVIDUALS DETAINED IN THE GLOBAL WAR ON TERRORISM.  
(a) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a plan for the identification or establishment of a facility outside the United States for the long-term detention by the United States, consistent with the laws of war, of foreign members of al Qaeda and associated forces who are captured outside Afghanistan. The locale or locations from which detention shall be identified or established by not later than 180 days after the date of the enactment of this Act.  

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

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

“(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.
SA 3000. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 888. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS ON INDUSTRIAL BASE.
Section 2505 of title 10, United States Code, is amended—
(1) by redesignating subsection (d) as subsection (e); and
(2) by inserting after subsection (c) the following new subsection (d):
“(d) Assessment of extent of effects of foreign boycotts.—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding such an effect shall—
“(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;
“(2) assess the harm to the national technology and industrial base as a result of such boycotts; and
“(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.”.

SA 3001. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 550, beginning on line 15, strike “; and” and all that follows through line 16 and insert the following:
“(2) by inserting “or fiscal year 2013” after “fiscal year 2012”; and
(3) by inserting before the period at the end the

SA 3002. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2824. PROHIBITION ON USE OF FUNDS FOR EMPLOYMENT OF CERTAIN GREEN BUILDING STANDARDS.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2013 may be obligated or expended to implement or use green building rating standards unless the standards—
(A) are developed in accordance with rules accredited by the American National Standards Institute; and
(B) are approved as American National Standards; or
(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 3003. Ms. AYOTTE (for herself, Mr. Lieberman, and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 238. MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.

(a) CONSIDERATION OF LOCATION.—
(1) STUDY.—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.
(2) EIS.—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).
(3) LOCATION.—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—
(A) take into consideration—
(i) the strategic location of the proposed site; and
(ii) the proximity of the proposed site to major population centers; and
(B) give priority to a proposed site that—
(i) is operated or supported by the Department of Defense;
(ii) lacks encroachment issues; and
(iii) has a controlled airspace.
(2) PLAN.—
(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to deploy a covered missile defense interceptor for a missile defense site on the East Coast.
(2) MATTERS INCLUDED.—In developing the plan under paragraph (1), the Director—
(A) shall evaluate the use of—
(i) two-stage or three-stage Ground-Based Interceptors (GBIs);
(ii) Standard Missile-3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors; and
(iii) any other system the Director determines to be better suited to defend against future long-range missile threats;
(B) shall consider both land and sea-based options; and
(C) shall develop cost estimates for each option considered.
(3) SUBMITTAL.—The plan shall be submitted to Congress together with the budget of the President for fiscal year 2014, as submitted to Congress under section 1105(a) of title 31, United States Code.
(c) COVERED MISSILE DEFENSE SITE DEFINED.—In this section, the term “covered missile defense site” means a missile defense site that uses—
(1) Ground-Based Interceptors;
(2) Standard Missile-3 interceptors; or
(3) any other system the Director of the Missile Defense Agency determines to be better suited to defend against future long-range missile threats.

SA 3004. Ms. AYOTTE (for herself, Mr. Chambliss, and Mr. Inhofe) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1032. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL Custody AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND ASSOCIATED FORCES.

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—
(1) IN GENERAL.—When a covered person, as defined in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 801 note), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (c), within 10 days.
(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall include, at a minimum, the suspect’s name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.
(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—
(1) IN GENERAL.—Not later than 10 days after the United States Government makes a determination regarding the intended disposition of a covered person under section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note), the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees of the intended disposition of the covered person.
(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

SPECTRUM MANAGEMENT COMMITTEES.—In this section, the term “specified congressional committees” means—
(1) the Committee on Armed Services of the Senate;
(2) the Committee on Armed Services of the House of Representatives;
(3) the Select Committee on Intelligence of the Senate; and
(4) the Permanent Select Committee on Intelligence of the House of Representatives.
(d) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act, and shall apply with respect to persons described in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 who are taken into the custody or brought under the control of the United States on or after that date.

SA 3005. Ms. AYOTTE (for herself, Mr. Chambliss, and Mr. Inhofe) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year
2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2704. LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES AND CRITERIA FOR CERTAIN DECISIONS IN MILITARY INSTALLATION ACTIONS IN WHICH NON-BRAC AUTHORITY IS UTILIZED.

(a) PROHIBITION.—Subsection (a) of section 1026 of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 1031(a)(2) of this Act, is further amended by striking “or modify” and inserting “,” modify, or purchase”.

(b) FUND COVERED BY PROHIBITION.—Such subsection is further amended by striking “the Department of Defense”. 

(c) CONFORMING AMENDMENT.—The heading of such subsection is amended by striking “OR MODIFY” and inserting “, MODIFY, OR PURCHASE”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 3006. Ms. SNOWE (for herself, and Mr. BACHUS,) submitted an amendment in the nature of a substitute by amendment SA 3006, 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:

Beginning on page 542, strike line 3 and all that follows through page 543, line 2, and insert the following:

SEC. 2704. LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES AND CRITERIA FOR CERTAIN DECISIONS IN MILITARY INSTALLATION ACTIONS IN WHICH NON-BRAC AUTHORITY IS UTILIZED.

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

(1) In 2005, the Department of Defense requested additional rounds of defense base closure and realignment in 2013 and 2015.

(2) There have been five rounds of defense base closure and realignment (BRAC), which were held over the last 25 years (1988, 1991, 1993, 1995, and 2005).

(3) Congress has not approved additional rounds of base closure and realignment to occur after 2005, and recognizes that the 2005 round incurred substantial costs that will not be offset by savings for nearly two decades.

(4) According to the Government Accountability Office, implementation of the 2005 round of defense base closure and realignment cost $35,100,000,000, or approximately $14,100,000,000 more than was estimated by the 2005 Base Closure and Realignment Commission.

(5) Furthermore, the Government Accountability Office has determined that the 2005 round of defense base closure and realignment will take 17 years before taxpayers realize net savings from the round.

(6) On March 2, 2012, defending the President’s request for additional rounds of defense base closure and realignment in testimony before the Committee on Armed Services of the House of Representatives. Dr. Dorothy Robyn, Deputy Undersecretary of Defense for Installations and Environment, asserted that the Department of Defense would close military installations using non- BRAC authorities, stating that “if Congress does not authorize additional BRAC rounds in the defense authorization legislation, it will be up to the existing authorities to begin to realign and close bases”.

(7) The Department of Defense may close or realign military installations if a round of defense base closure and realignment is carried out in compliance with sections 2687 and 993 of title 10, United States Code.

(b) PROHIBITION.—Subsection (a) of section 1026 of title 10, United States Code, contains ambiguous language, leading the Department of Defense to pursue significant closures and realignments without congressional approval or an authorization for a round of defense base closure and realignment.

(c) LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2687 of title 10, United States Code, contain single action limits on reductions that are too easily circumvented by cumulative actions.

(d) AUTHORIZATION.—As demonstrated by BRAC and other closure and realignment actions, base closures and realignments can have significant effects on Department of Defense functions, current and future operational capabilities, and on host communities and States.

(1) Recommendations for closures and realignments should be carried out only with the consent of Congress, which has the constitutional responsibility to “raise and support Armies,” “provide and maintain a Navy,” “make Rules for the Government and Regulation of the Land and Naval Forces,” and “provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States”.

(2) To the relocation from a military installation of personnel or functions that are required to support the deployment of members of the armed forces, provided that such personnel and functions are returned to the military installation after the deployment;”;

(e) CONFORMING AMENDMENT.—The heading of such subsection is amended by striking “OR MODIFY” and inserting “, MODIFY, OR PURCHASE”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of United States military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and programs of military installations that are not covered by such requirements.

(4) ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

(e) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed to authorize a round of defense base closure and realignment.

(f) MANDATORY REPORT.—

SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) DEFINITIONS.—In this section:

(1) THE UNITED STATES.—As used in this section, the term ‘the United States’ means—

(3) The term ‘negotiations with terrorists’ shall include any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would result in being held or organized and appropriate force against those nations, organizations, or persons;

(C) the United States shall have designated as a terrorist organization that is in the national security interests of the United States.

(7) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

(8) North Atlantic Treaty Organization.

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

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

SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) The term ‘appropriate congressional committees’ means—

(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 include any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would result in being held or organized and appropriate force against those nations, organizations, or persons;

(C) the United States shall have designated as a terrorist organization that is in the national security interests of the United States.

(7) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

(8) United States ‘will not support the freeing of prisoners from incarceration in response to terrorist demands’.

(9) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

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

(1) the United States Government should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand; and

(2) any abandonment or weakening of this policy would endanger the safety of United States citizens, including members of the Armed Forces, and increase terrorist kidnappings, hostage demands, and murders.

Mr. SESSIONS 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 P of title X, add the following:

SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) The term ‘appropriate congressional committees’ means—

(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 include any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would result in being held or organized and appropriate force against those nations, organizations, or persons;

(C) the United States shall have designated as a terrorist organization that is in the national security interests of the United States.

(7) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

(8) United States ‘will not support the freeing of prisoners from incarceration in response to terrorist demands’.

(9) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

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

(1) the United States Government should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand; and

(2) any abandonment or weakening of this policy would endanger the safety of United States citizens, including members of the Armed Forces, and increase terrorist kidnappings, hostage demands, and murders.

Mr. SESSIONS submitted amendments 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 P of title X, add the following:

SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) The term ‘appropriate congressional committees’ means—

(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 include any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would result in being held or organized and appropriate force against those nations, organizations, or persons;

(C) the United States shall have designated as a terrorist organization that is in the national security interests of the United States.

(7) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’

(8) United States ‘will not support the freeing of prisoners from incarceration in response to terrorist demands’.

(9) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ ‘firm opposition to terrorism’ and that the government’s ‘conviction that to accede to terrorist demands places more American citizens at risk. This no-negotiations policy is the best way of ensuring the greatest number of people and ensuring their safety.’
the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training. (3) 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 long-term commitments between the two countries, in continued consultation 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, in some cases, have ratified 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 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 subsection, the term “appropriate congressional committees” means— (1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and (2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 3010. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title X, add the following:

SEC. 1032. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) Notice Required.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of an individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is a national of a country other than Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) Additional Assessments and Certifications.—As part of the notification required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, a certification that an assessment has been conducted regarding the capacity, williness, and historical track record of the country for reintegrating or rehabilitating such individual.

(2) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, williness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the Senate.

SA 3012. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title X, add the following:

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY.

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to any country other than the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SA 3013. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title X, add the following:

SEC. 1032. MILITARY CUSTODY FOR NON-UNITED STATES CITIZEN MEMBERS OF AL QAEDA AND AFFILIATED ENTITIES.

(a) Custody Pending Disposition Under Law of War.—

(1) In General.—Except as provided in paragraph (2), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107–40) in military custody pending disposition under the law of war.

(2) Covered Persons.—The requirement in paragraph (1) shall not apply to any person whose detention is authorized by section 1021 of the National Defense Authorization Act for Fiscal Year 2009, as amended, title III, section 3011, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle D of title X, add the following:
SEC. 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:

"(a) Waiver for National Security.—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive, on a case-by-case basis, the requirement of paragraph (1) if the Secretary of Defense submits to Congress a written certification that the waiver is in the national security interests of the United States.

(b) Inapplicability to United States Citizens.—The requirement to detain a person in military custody under this section does not extend to United States Citizens.

(c) Effective Date.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons taken into custody on or after that date.

SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) In General.—Section 1074g(a)(6) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) The Secretary, in the regulations prescribed under subsection (b), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with paragraph (c), such cost-sharing requirements shall consist of the following:

(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

(I) in the case of generic agents, $5;

(II) in the case of formulary agents, $17;

and

(III) in the case of nonformulary agents, $44.

(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

(I) in the case of generic agents, $20;

(II) in the case of formulary agents, $33; and

(III) in the case of nonformulary agents, $132; and

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

"(C) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which the retired pay is increased under section 1401 of this title in that year.

(ii) If the amount of the increase other than as provided for a year by clause (i) is less than $1, the increase shall not be made for such year, but shall be carried over, and accumulated with, the amount of the increase for the subsequent years, and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

(e) Effective Date.—

(1) In general.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)) apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) 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 violence involving aggravated assault.

SEC. 3017. Mr. REED (for himself, Mr. RUBIO, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 655. ENFORCEMENT OF PROTECTIONS ON COVERAGE FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 977(f) of title 10, United States Code, as amended by section 635 of this Act, is further amended by adding at the end the following new paragraph:

"(6) The provisions of this section (other than paragraph (1) of this subsection) shall be enforced as follows:

(A) By the agencies specified in section 108 of the Uniform Code of Military Justice (10 U.S.C. 1080) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.

(B) By the agencies specified in section 880 of the Uniform Code of Military Justice.

(C) For purposes of section 977(f) of title 10, United States Code, the term 'covered offense' means offenses involving allegations of any of the following:

(A) Child abuse.

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

(C) Domestic violence involving aggravated assault.

SEC. 3018. Mrs. GILLIBRAND (for herself, Ms. COLLINS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VII, 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:

"(a) Waiver for National Security.—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive, on a case-by-case basis, the requirement of paragraph (1) if the Secretary of Defense submits to Congress a written certification that the waiver is in the national security interests of the United States.

(b) Inapplicability to United States Citizens.—The requirement to detain a person in military custody under this section does not extend to United States Citizens.

(c) Effective Date.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons taken into custody on or after that date.

SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) In General.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(ii) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

(I) in the case of generic agents, $5;

(II) in the case of formulary agents, $17;

and

(III) in the case of nonformulary agents, $44.

(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

(I) in the case of generic agents, $20;

(II) in the case of formulary agents, $33; and

(III) in the case of nonformulary agents, $132; and

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

"(C) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which the retired pay is increased under section 1401 of this title in that year.

(ii) If the amount of the increase other than as provided for a year by clause (i) is less than $1, the increase shall not be made for such year, but shall be carried over, and accumulated with, the amount of the increase for the subsequent years, and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

(e) Effective Date.—

(1) In general.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)) apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) 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 violence involving aggravated assault.
The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE beneficiary through the national mail-order pharmacy program under section 1074(a)(2)(E)(ii) of title 10, United States Code.

(b) Medication Covered.—

(1) Determination.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) Supply.—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program are—

(A) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(B) obtained by refill through the national mail-order pharmacy program.

(c) Nonparticipation.—

(1) Opt out.—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) Waiver.—The Secretary may waive the requirements of paragraph (1) to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(d) Operation of Program.—In carrying out the pilot program, the Secretary shall ensure that the operational responsibilities for the national mail-order pharmacy program for purposes of the pilot program are awarded through full and open competition.

(e) Reports.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) TRICARE for Life Beneficiary Defined.—In this section, the term ‘TRICARE for Life beneficiary’ means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) Sunset.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

S. 3018. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLISBRAND, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

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

SEC. 1022. Prohibition on the indefinite detention of citizens and lawful permanent residents.

Section 1021 of title 10, 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 granted under section 1086(d) of title 10, United States Code, does 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.

(b)(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority granted under section 1086(d) of title 10, United States Code, does 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.

Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLISBRAND, Mr. LEE, Mr. COONS, and Ms. COLLINS. We are very pleased that the Senate today will pass S. 3642. The Economic Espionage Act makes it a crime to, among other things, steal a trade secret knowing that the theft will injure the owner. But the statute’s protection for American business and American jobs.

The Economic Espionage Act makes it a crime to, among other things, steal a trade secret knowing that the theft will injure the owner. But the statute’s protection for American business and American jobs.

A recent decision of the Second Circuit in United States v. Aleksov casts doubt on the reach of the statute. A jury in that case found the defendant guilty of stealing computer code from his employer. The court overturned the conviction, holding among other things that the trade secret did not meet the interstate commerce prong of the statute, even though the defendant had copied the stolen code from his office in New York to a server in Germany; downloaded the code to his home computer in New Jersey; then flew to his new job in Illinois with the stolen source code in his possession; and the code was used in interstate commerce.

The court held that the Economic Espionage Act provision applies only to trade secrets that are part of a product that is produced to be placed in interstate commerce. Because the company’s proprietary software was not placed in interstate commerce, nor produced to be placed in interstate commerce, the law did not apply—even though the stolen source code was part of a financial trading system that was used in interstate commerce every day. The clarifying legislation that the Senate will pass today corrects the court’s narrow reading to ensure that our federal criminal laws adequately address the theft of trade secrets related to a product or service used in interstate commerce. It is a straightforward fix, but an important one, as we work to ensure that American companies can protect the products they work hard to develop, so they may continue to grow and thrive. I urge the House to act quickly to pass this commonsense legislation.