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 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

''(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary 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 takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

''(ii) to disclose to the Secretary in writing the following:

''(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

''(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

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

''(B) A certification or license described in this subparagraph is any of the following:

''(i) A license to be a State tested nursing assistant or a certified nursing assistant.

''(ii) A commercial driver's license.

''(iii) An emergency medical technician license EMT–B or EMT–I.

''(iv) An emergency medical technician–paramedic license.

''(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

SA 2947. Mr. PRYOR (for himself, Mr. WYDEN, Mr. BOOZMAN, and Ms. SNOWE) 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. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

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

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

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

SA 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 A of title VI, add the following:

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

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

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:

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

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

(a) ESTABLISHMENT.—Notwithstanding section 2409(b) 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 commemorate the sacrifices made by mothers, and 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

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 542, beginning on line 12, strike ''section 2687'' and all that follows through page 543, line 2, and insert the following: ''section 2687 and section 993 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) 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) or section 993 of title 10, United States Code, to no longer be covered by such paragraph (1) or such section 993.

(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.

(c) MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.—

(1) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: ''In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.''.

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

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

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

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

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

(3) TIME AND FORM OF SUBMISSION OF NOTICE.—Such section is further amended—

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

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

''(c) TIME AND FORM OF SUBMISSION OF NOTICE.—The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.''.

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

''(e) DEFINITIONS.—In this section:

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

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

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

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

SA 2953. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) IN GENERAL.—In the case of a contract awarded under section 2688 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) The unremarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unremarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

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. _____. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.

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

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

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

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

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

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

(iii) by adding at the end the following:

''(28) the term 'hearing examiner' includes any medical or claims examiner.'';

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking ''follows:'' and all that follows and inserting the following: ''follows (if the payee indicated is living on the date on which the determination is made)—

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

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

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

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

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

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

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

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

(ii) in subsection (b)—

(I) by striking ''direct result of a catastrophic'' and inserting ''direct and proximate result of a personal'';

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

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

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

(aa) by striking '', to such officer'';

(V) by striking ''the total'' and all that follows through ''For'' and inserting ''for''; and

(VI) by striking ''That these'' and all that follows through the period, and inserting ''That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.'';

(iii) in subsection (f)—

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

(II) in paragraph (2)—

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

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

(III) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

''(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.''; and

(v) by adding at the end the following:

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

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

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

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

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

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

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

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

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

(ii) in paragraph (3)—

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

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

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

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

(iii) in paragraph (5)—

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

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

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

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

''(A) is a public agency; or

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

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

''(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;''; 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)(ii), by striking the period and inserting ''; or''; and

(IV) by adding at the end the following:

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

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

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

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

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

(i) in subsection (a)—

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

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

(ii) in subsection (c)—

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

(II) by striking ''dependent'';

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

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

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

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

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

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

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

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

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

(c) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.—The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

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

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

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

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

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

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

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

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

(d) EFFECTIVE DATE.—

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

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

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

(2) EXCEPTIONS.—

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

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

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

''(i) A course that is described by section 3675(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 (c) and (d), respectively;

(B) by striking subsection (a); and

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

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

''(A) such course—

''(i) 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);

''(ii) in the case of a course 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

''(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 accepted by the State department of education for credit for a teacher's certificate; or

''(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

''(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

''(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

''(i) state with specificity the requirements of the institution with respect to graduation;

''(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

''(iii) include any attendance standards of the institution, if the institution has and enforces such standards.''.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking ''under the provisions of section 3675 of this title'';

(B) in section 3501(11), by striking ''under the provisions of section 3675 of this title'';

(C) in section 3672(b)(2)(A), by striking ''3675(b)(1) and (b)(2)'' and inserting ''3675(c)(1) and (c)(2)''; and

(D) in the heading for section 3675, by striking ''**accredited courses**'' and inserting ''**courses approved by Secretary of Education**''.

(3) 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:

''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 this 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 most recent 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 shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 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 chapter.''.

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (21); and

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

''(14) Such 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 have verified that the course's instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such 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 application contains any other information necessary to

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 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(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 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 ''non-accredited''.

(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 FDSL PARTICIPATING 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 for use only at Federal Direct Student Loan participating institutions

''(a) IN GENERAL.—Effective 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);

''(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 in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency.

''(b) WAIVER.—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) in the case of 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, the program is approved or licensed by such State board or agency; and

''(7) the institution providing the program 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.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense educational assistance programs and authorities covered by this section' means the programs and authorities as follows:

''(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

''(B) The authority to pay tuition for off-duty training or education of members of the armed forces 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).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

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

(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 prescribe, 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 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), 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 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

''(5) The educational institution is the subject of a civil 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 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 warrant conducting a compliance survey under subsection (a).''.

(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 appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—MILITARY AND VETERANS EDUCATIONAL REFORM

SEC. 1801. SHORT TITLE.

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

SEC. 1802. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.

(a) AUTOMATIC APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF DEGREE 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) A course that is described by section 3675(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 (c) and (d), respectively;

(B) by striking subsection (a); and

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

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

''(A) such course—

''(i) 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);

''(ii) in the case of a course 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

''(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 accepted by the State department of education for credit for a teacher's certificate; or

''(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

''(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

''(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

''(i) state with specificity the requirements of the institution with respect to graduation;

''(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

''(iii) include any attendance standards of the institution, if the institution has and enforces such standards.''.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking ''under the provisions of section 3675 of this title'';

(B) in section 3501(11), by striking ''under the provisions of section 3675 of this title'';

(C) in section 3672(b)(2)(A), by striking ''3675(b)(1) and (b)(2)'' and inserting ''3675(c)(1) and (c)(2)''; and

(D) in the heading for section 3675, by striking ''**accredited courses**'' and inserting ''**courses approved by Secretary of Education**''.

(3) 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:

''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 this 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 most recent 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 shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 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 chapter.''.

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (21); and

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

''(14) Such 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 have verified that the course's instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such 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 application contains any other information necessary to 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 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(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 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 ''non-accredited''.

(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 FDSL PARTICIPATING 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 for use only at Federal Direct Student Loan participating institutions

''(a) IN GENERAL.—Effective 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);

''(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 in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency.

''(b) WAIVER.—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) in the case of 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, the program is approved or licensed by such State board or agency; and

''(7) the institution providing the program 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.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense educational assistance programs and authorities covered by this section' means the programs and authorities as follows:

''(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

''(B) The authority to pay tuition for off-duty training or education of members of the armed forces 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).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

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

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

SEC. 1803. REQUIREMENT THAT EDUCATIONAL INSTITUTIONS INFORM STUDENTS OF MATTERS RELATING TO ACCREDITATION AND OUTCOMES AS CONDITION OF APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.

(a) EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.—Section 3672 of title 38, United States Code, is amended—

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

''(f)(1) A course of education that is offered by an educational institution may not be approved under this chapter unless the educational institution discloses and makes readily available the information described in paragraph (2) to—

''(A) 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;

''(B) each student who is enrolled in the course of education each year the student is so enrolled; and

''(C) the public.

''(2) The information described in this paragraph with respect to an educational institution or a course of education of the educational institution is the following:

''(A) The names of associations, agencies, or governmental bodies which accredit, approve, or license the educational institution and its courses of education and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the educational institution's accreditation, approval, or licensing.

''(B) Whether the educational institution is a public educational institution, a private nonprofit educational institution, or a private for-profit educational institution.

''(C) The rates of graduation of students who enroll in the course of education and the average dropout rate of all students enrolled in the course of education.

''(D) The percentage of students enrolled in the course of education who complete the course within—

''(i) the standard period for completion of such course of education;

''(ii) 150 percent of such period; and

''(iii) 200 percent of such period.

''(E) The median educational debt incurred by students who complete the course of education.

''(F) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

''(G) The rates of job placement of students who complete the course of education, as applicable, and the types of employment obtained by such students.

''(H) For any job for which the course of education is designed to prepare a student, the relevant licensing or certification requirements for such job in the State for which the course is designed to prepare the student to obtain such license or certificate and the examination and licensure test pass rates, as applicable.

''(I) The tuition and fees for programs of education at the educational institution.

''(J) The percentage of students enrolled in programs of education at the educational institution who have submitted a complaint under section 3697C(a) of this title.

''(K) With respect to the information reported under subparagraphs (C) through (J), indicators of how the educational institution compares with the averages of all public educational institutions with similar courses of education in the State in which the educational institution is located.

''(L) A description of the procedures by which student may submit complaints regarding educational institutions to applicable Federal and State agencies, including State approving agencies and accrediting agencies or associations and such contact information as may be necessary to submit such complaints.

''(M) A description of the process established under section 3697C(a) of this title and such contact information as may be necessary to submit a complaint in accordance with such process.

''(N) The policies established by the educational institution regarding transfer of course credit, including the following:

''(i) Any established criteria the educational institution uses regarding the transfer of course credit earned at another educational institution.

''(ii) A list of educational institutions that will accept transfer of course credit for specific programs of education offered by the educational institution.

''(iii) A list of educational institutions from which the educational institution will accept transfer of course credit for specific programs offered by that educational institution.

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

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

''(P) A statement of the requirements for officially withdrawing from a course of education at the educational institution.

''(Q) 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.

''(R) A description 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 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10, including services provided under section 3679A(a) of this title.

''(S) 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.

''(3) The information disclosed and made readily available under paragraph (1) to individuals and students described in subparagraphs (A) and (B) of such paragraph, respectively, shall be disclosed and made readily available—

''(A) in language that can be easily understood by such individuals and students; and

''(B) in a uniform manner that is appropriate for such individuals and students, including by publications, mailings, and electronic media.''; and

(2) in subsection (b)(2)(A), as amended by section 1802(b)(2), in the matter before clause (i), by inserting ''subsection (f) and'' after ''Subject to''.

(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 2006a, as added by section 1802(d) of this Act, the following new section:

"§ 2006b. Disclosure requirements of educational institutions

''The Secretary may not provide a payment of educational expenses under an educational assistance program or authority specified in subsection (c)(1) of section 2006a of this title for instruction at an accredited institution of higher education (as defined in subsection (c)(2) of section 2006a of this title) unless such institution discloses and makes readily available the information described in paragraph (2) of section 3672(f) of title 38 as described in paragraph (3) of such section 3672(f) 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.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title, as amended by section 1802(d) of this Act, is further amended by inserting after the item relating to section 2006a the following new item:

''2006b. Disclosure requirements of educational institutions.''.

(c) EFFECTIVE DATE.—Subsection (f) of section 3672 of title 38, United States Code, as added by subsection (a)(1), and section 2006b of title 10, United States Code, as added by subsection (b), shall take effect on August 1, 2013.

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

(a) REQUIREMENTS.—

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

"§ 3679A. Additional requirements

''(a) PROVISION OF COUNSELING AND SERVICES.—(1) An educational institution with 20 or more covered individuals enrolled in programs of education at the educational institution may not be approved under this chapter unless the educational institution provides adequate academic and student support services (as determined by the Secretary), including remediation, tutoring, and career and job placement counseling services to such covered individuals.

''(2) The Secretary may, on a case-by-case basis, waive the requirement to provide services under paragraph (1) for an educational institution for an academic year if—

''(A) the Secretary determines that the educational institution has demonstrated that providing such services during such academic year would lead to severe financial hardship; and

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

''(b) MINIMUM STANDARDS 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 this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10;

''(2) is knowledgeable about such educational assistance 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 2006a(c)(1) of title 10 for such program of education.''.

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

''3679A. Additional requirements.''.

(b) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title (as amended by section 1803(a)(2)) is further amended by striking ''and 3696'' and inserting ''3696, and 3679A''.

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

SEC. 1805. STATE APPROVING AGENCIES.

(a) EDUCATION AND OUTREACH.—

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

"§ 3674B. Education and outreach

''(a) EDUCATION AND OUTREACH REQUIRED.—As a condition on receipt of reimbursement expenses under section 3674 of this title, each State approving agency shall conduct such education and outreach activities for individuals who are eligible to receive or are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title as the Secretary considers 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 under this chapter and chapters 30 through 35 of this title is made readily available as part of the Transition Assistance Program (TAP) of the Department of Defense in the State of the State approving agency.

''(c) MANNER.—Information made available as part of education and outreach activities under this section shall be made—

''(1) in language that can be easily understood by individuals described in paragraph (1);

''(2) in a uniform and easily accessible manner; and

''(3) through such means as may be appropriate and effective, including through publications, mailings, and electronic media.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3674A the following new item:

''3674B. Education and outreach.''.

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

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) Each year, each State approving agency, as a condition of receiving reimbursement of expenses under section 3674 of this title, shall conduct such audits as the Secretary considers appropriate, including unannounced audits and audits using risk-based approaches, of educational institutions in the State of the State approving agency that have students enrolled in programs of education at the educational institutions who are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title (without regard to whether the Secretary or the State approving agency approved the courses offered) in such State—

''(A) to detect misrepresentation, fraud, waste, and abuse;

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

''(C) for such other purposes as the Secretary considers appropriate.''.

(c) REPORTS.—Section 3674(a)(3) of such title is amended—

(1) by inserting ''(A)'' before ''Each State''; and

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

''(B) 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 with respect to any substantiated findings of misrepresentation, fraud, waste, abuse, or failure to comply with an applicable requirement of this chapter and the steps taken by the agency to address such fraud, waste, abuse, or failure to comply.

''(iii) 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 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 prescribe, 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 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), 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 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

''(5) The educational institution is the subject of a civil 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 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 warrant conducting a compliance survey under subsection (a).''.

(b) EFFECTIVE DATE.—Subsection (c) of such 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 CAN 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 this chapter or any of chapters 30 through 35 of this title.

''(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 or authority specified in section 2006a(c)(1) of title 10.

''(b) TIME AND MANNER OF COUNSELING.—(1) Counseling provided under subsection (a) to an individual described in such subsection considering a program of education shall be provided at or before the individual enrolls in such program as follows:

''(A) To such individuals who have received fewer than ⅓ of the credits necessary to complete the program of education, a complete version of such counseling.

''(B) To such individuals who have received ⅓ or more of the credits necessary to complete the program of education, a condensed version of such counseling as the Secretary of Veterans Affairs or the Secretary of Defense, as the case may be, considers appropriate.

''(2) To the extent practicable, counseling provided under subsection (a) to an individual described in paragraph (1)(A) of this subsection shall be provided in person.

''(3) The Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, procedures by which individuals may receive counseling provided under subsection (a) when receipt of such counseling in person is not practicable.

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

''(1) An overview of educational assistance available to the individual under this chapter and chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, as the case may be.

''(2) Development of a personalized academic and career plan.

''(3) An overview of the information disclosed and made readily available under section 3672(f)(1) of this title relevant to the academic and career plan developed under paragraph (2).

''(4) A discussion of how enrollment in the program of education at the educational institution will affect the individual's academic and career plan and the financial implications for such individual of such enrollment.

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

''(d) 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.

''(e) USE OF INFORMATION DISCLOSED BY EDUCATIONAL INSTITUTIONS.—In providing educational assistance under this section, the Secretary of Veterans Affairs and the Secretary of Defense shall, to the degree practicable, use the information disclosed and made readily available under section 3672(f)(1) of this title.

''(f) LINKS TO COLLEGE NAVIGATOR INTERNET WEBSITE OF DEPARTMENT OF EDUCATION.—The Secretary of Veterans Affairs and the Secretary of Defense shall provide links on the Internet websites of the Department of Veterans Affairs of the Department of Defense, respectively, to the College Navigator Internet website of the Department of Education in such a manner as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate to inform veterans and members of the Armed Forces of the availability of and the benefits of using the College Navigator Internet website.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 36 of such title is amended by adding at the end the following new item:

''3697B. Required one-on-one educational counseling.''.

(c) CLARIFICATION.—

(1) HEADING OF SECTION 3697A OF TITLE 38.—Section 3697A of such title is amended, in the heading, by adding ''**by election**'' at the end.

(2) TABLE OF SECTIONS.—The table of sections for chapter 36 of such title is amended by amending the item relating to section 3697A to read as follows:

''3697A. Educational and vocational counseling by election.''.

(d) EFFECTIVE DATE.—Section 3697B of such title, as added by paragraph (1), shall take effect on August 1, 2013, and shall apply with respect to individuals considering pursuing programs of education as described in subsection (a) of such section after such date.

SEC. 1808. COORDINATION AND OVERSIGHT OF EDUCATIONAL ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, as amended by section 1806, is further amended by adding at the end the following new section:

''§ 3697C. Coordination and oversight

''(a) DEVELOPMENT OF CENTRALIZED COMPLAINTS PROCESS.—(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, by regulation, a process whereby persons are able to submit to the Secretaries, including by submitting via State approving agencies, complaints regarding educational institutions relevant to the provision of educational assistance provided under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, including complaints regarding misrepresentation, fraud, waste, and abuse.

''(2) The process required by paragraph (1) shall include procedures to address complaints in a timely manner, including review and investigation of such complaints.

''(3) Each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each compile the information they collect under this subsection and share such information with each other and the Secretary of Education, as otherwise allowed under law.

''(b) INFORMATION SHARING BETWEEN SECRETARY 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, by regulation, a process by which information may be reported by their respective departments to the Secretary of Education and each other regarding information with respect to substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse or failure to comply with an applicable requirement of this chapter or other information considered appropriate by the reporting Secretary by an educational institution at which an individual is enrolled in a program of education for which the individual receives educational assistance under this chapter, any of chapters 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10 relevant to the purpose and effective implementation of Federal programs of educational assistance provided under such chapters, programs, or authorities.

''(2) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Education shall establish a process by which the Secretary of Education notifies the Secretary of Veterans Affairs and the Secretary of Defense of the following with respect to educational institutions:

''(A) Substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse.

''(B) Loss of accreditation.

''(C) Loss of eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(D) Has been reported by a Federal or State agency or a nationally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of Federal or State law or a requirement that is a condition for accreditation established by a nationally recognized accrediting agency or association.

''(E) Such other information as the Secretary of Education considers appropriate.

''(c) ANNUAL REPORT ON EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.—(1) Not less frequently than once each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each submit to Congress a report on the provision of educational assistance under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, respectively.

''(2) Each report submitted under subsection (a) shall include, for the period covered by the report and disaggregated by for-profit and not-for-profit educational institutions, the following:

''(A) The number of individuals who received assistance under laws administered by the respective Secretary.

''(B) The amounts of assistance provided.

''(C) A description of any complaints reported under subsection (a) to the respective Secretary or State approving agencies by such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

''(D) All substantiated reports of misrepresentation, waste, fraud, abuse, or other acts that are inconsistent with the requirements of this chapter by an educational institution at which an individual is enrolled in a program of education for which the individual is receiving educational assistance under a law administered by the respective Secretary.

''(E) A list of educational institutions which had courses of education that were approved under this chapter in the previous year but were found, in the year covered by the report, not in compliance with a requirement of such chapter.

''(F) Such recommendations for legislative or regulatory action as the respective Secretary considers appropriate to improve the provision of educational assistance under the laws administered by the respective Secretary.

''(G) An assessment of the academic performance of individuals who received educational assistance described in paragraph (1), including graduation rates and dropout rates.

''(H) A list of educational institutions that were approved under this chapter, disaggregated by educational institutions approved under section 3676 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title, as amended by section 1806, is further amended by adding at the end the following new item:

''3697C. Coordination and oversight.''.

SA 2959. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

SA 2960. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(b) ELEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 2961. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 561. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2017. Requirement to use human-based methods for certain medical training

''(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2014, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

''(2) Not later than October 1, 2016, the Secretary—

''(A) 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

''(B) 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 both, from the requirement for human-based training methods under subsection (a)(2) 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 renewed (subject to the preceding sentence).

''(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;

''(B) tension pneumothorax;

''(C) amputation resulting from blast injury;

''(D) compromises to the airway; and

''(E) other injuries.

''(2) The term 'human-based training methods' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

''(A) simulators;

''(B) partial task trainers;

''(C) moulage;

''(D) simulated combat environments;

''(E) human cadavers; and

''(F) rotations in civilian and military trauma centers.

''(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2017. Requirement to use human-based methods for certain medical training.''.

SA 2962. 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 C subtitle of title II, add the following:

SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

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

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

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

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

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

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

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does ''not know if Iran will eventually decide to build nuclear weapons'', it judges ''that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon''. He also testified that ''Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload''.

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

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

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

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

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

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

SA 2963. 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 H of title V, add the following:

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

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

SA 2964. Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 643. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking ''in any fiscal year'' and inserting ''in any two consecutive fiscal years''.

(b) RETROACTIVE EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) as enacted, and shall apply with respect to service described by paragraph (2) of section 12731(f) of title 10, United States Code (as amended by Public Law 110–181 and subsection (a)), that occurs on or after September 11, 2001.

SA 2965. Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)''; and

(B) by adding at the end the following:

''(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

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

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013,''.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

SA 2966. Mr. HATCH (for himself and Mr. LEE) 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 III, add the following:

SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.''; and

(2) in subsection (b), by striking ''Logistics Center, Navy Fleet Readiness Center,'' and inserting ''Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,''.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking ''2013'' and inserting ''2018''; and

(2) in subsection (e), by striking ''2014'' and inserting ''2019''.

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:

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

SEC. 1084. DETERMINATION OF CERTAIN SERVICE IN 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 subsection (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:

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

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

(a) TRANSFER BY SALE.—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 instrumentality designated 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 transfer, 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(e)(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 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:

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

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

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

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

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

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

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

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

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

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:

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

SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR PURPOSES OF DEPARTMENT OF DEFENSE ENERGY SECURITY.

Section 2924(7)(A) of title 10, Unites States Code, is amended by inserting ''and direct solar renewable energy as defined in section 605(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173(c))'' after ''Solar, including electricity''.

SA 2971. 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 H of title X, add the following:

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

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

SA 2972. 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 H of title X, add the following:

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

It is the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Military 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 VII, add the following:

SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

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 526 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 Toxic Substances Control Act (15 U.S.C. 2602(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. 1032. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.

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

(b) HIGH-VALUE ENEMY COMBATANT DEFINED.—In this section, the term ''high-value 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 or organizations 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 other members of the Federal Acquisition Regulatory 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 and weapon systems.

(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 the 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:

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

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

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

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

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future ''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:

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

SEC. 272. SENSE OF SENATE ON USE OF ARTIFICIAL INTELLIGENCE IN TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while 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 nongovernment 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:

On page 238. between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

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

SA 2981. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

(1) Rape.

(2) Sexual abuse.

(3) Sexual assault.

(4) Incest.

(5) Any other sexual offense.

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:

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

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

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

''§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill

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

''(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

''(A) 'GI Bill'.

''(B) 'Post-9/11 GI Bill'.

''(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

''3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.''.

SA 2983. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10____. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the ''Distinguished Flying Cross National Memorial''.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

SA 2984. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10___. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Parcel 1'' on the map entitled ''White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal'' and dated April 3, 2012 (referred to in this section as the ''map'');

(B) the approximately 37,600 acres of land depicted as ''Parcel 2'', ''Parcel 3'', and ''Parcel 4'' on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 4'' on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Parcel 2'' on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

SA 2985. Mr. UDALL of Colorado (for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 313.

SA 2986. Mr. CASEY (for himself, Mr. ENZI, 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 E of title VIII, add the following:

SEC. _____. SUBCONTRACTOR NOTIFICATIONS.

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

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

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

SA 2987. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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. 6672(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. 6673(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 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 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:

SEC. 1048. MODIFICATION OF RULE OF CONSTRUCTION OF PROHIBITION ON INFRINGING THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4363; 10 U.S.C. 1030 note prec.) is amended—

(1) in paragraph (1)(B), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) make reasonable inquiries regarding the conduct or plans of a member of the Armed Forces for the purposes of suicide prevention, prevention of domestic violence, child protection, day care screening, sexual assault response, school counseling, and similar activities, if the Secretary has reasonable grounds to believe that the member is at high risk for suicide or causing harm to others.''.

SA 2989. Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

SA 2990. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NUCLEAR TERRORISM CONVENTIONS AND MARITIME SAFETY

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012''.

Subtitle A—Safety of Maritime Navigation

SEC. ____11. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 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 ''a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 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 2(c)'' and inserting ''section 13(c)''; and

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

''(d) DEFINITIONS.—In this section and in sections 2280a, 2281, and 2281a:

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

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, 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 Montreal 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) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

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

''(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 Montreal on 24 February 1988;

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

''(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

''(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

''(2) ARMED CONFLICT.—The term 'armed conflict' does not include 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 the toxic properties of chemicals as a method of warfare; or

''(iv) law enforcement, including domestic riot control purposes, if the types and quantities 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 specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

''(C) any equipment specifically 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 844(j)).

''(7) INFRASTRUCTURE FACILITY.—The term 'infrastructure facility' has the meaning given the term in section 2332f(e)(5).

''(8) INTERNATIONAL ORGANIZATION.—The term 'international organization' has the meaning given the term in section 831(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 who are under their formal command, control, and responsibility.

''(10) 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)).

''(11) NON-PROLIFERATION TREATY.—The term 'Non-Proliferation Treaty' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968.

''(12) NON-PROLIFERATION STATE PARTY.—The term 'Non-Proliferation Treaty State Party' means any State Party to the Non-Proliferation Treaty, to include Taiwan, 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 IX(3) of the Non-Proliferation Treaty.

''(14) PLACE OF PUBLIC USE.—The term 'place of public use' has the meaning given the term in section 2332f(e)(6).

''(15) PRECURSOR.—The term 'precursor' has the meaning given the term in section 229F(6)(A).

''(16) PUBLIC TRANSPORTATION SYSTEM.—The term 'public transportation system' has the meaning given the term in section 2332f(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

''(C) substantial damage to the environment, including air, soil, water, fauna, or flora.

''(18) SHIP.—The term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

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

''(20) SPECIAL FISSIONABLE MATERIAL.—The term 'special fissionable material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

''(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 baselines 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 229F(8)(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 Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

''(e) 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.

''(f) 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 that is a party to the Convention for 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 await instructions from 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, whenever 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 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 under the customs laws described in section 981(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.''.

SEC. ___12. VIOLENCE AGAINST MARITIME NAVIGATION.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

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

''(a) OFFENSES.—

''(1) IN GENERAL.—Subject to the exceptions set forth in subsection (c), a person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

''(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

''(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

''(B) transports on board a ship—

''(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

''(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

''(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, unless—

''(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

''(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

''(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this paragraph or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

''(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the offense set forth in subsection (a)(2) pertains to subparagraph (A);

''(E) attempts to do any act prohibited under subparagraph (A), (B), or (D); or

''(F) conspires to do any act prohibited under this subsection,

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a)—

''(1) in the case of a covered ship, if—

''(A) such activity is committed—

''(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

''(ii) in the United States, including the territorial seas; or

''(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

''(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

''(C) the offender is later found in the United States after such activity is committed;

''(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

''(3) in the case of any vessel, if such activity is committed in an attempt to compel

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)(1) 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 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 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(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.''.

(b) 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 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)'';

(2) in subsection (d), by striking the definitions of ''national of the United States,'' ''territorial sea of the United States,'' and ''United States''; and

(3) by adding at the end the following:

''(e) 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.''.

SEC. ___14. ADDITIONAL OFFENSES AGAINST MARITIME FIXED PLATFORMS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

''§ 2281a. Additional offenses against maritime fixed platforms

''(a) OFFENSES.—

''(1) IN GENERAL.—A person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

''(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

''(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

''(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a) if—

''(1) such activity is committed against or on board a fixed platform—

''(A) that is located on the continental shelf of the United States;

''(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

''(C) in an attempt to compel the United States to do or abstain from doing any act;

''(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

''(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

''(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) DEFINITIONS.—In this section:

''(1) CONTINENTAL SHELF.—The term 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

''(2) FIXED PLATFORM.—The term 'fixed platform' means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.''.

(b) 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 2281 the following:

''2281a. Additional offenses against maritime fixed platforms.''.

SEC. ___15. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended, by striking ''2281'' and inserting ''2280a (relating to maritime safety), 2281 through 2281a''.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by striking, ''2280, 2281'' and inserting, ''2280, 2280a, 2281, 2281a''

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by striking ''or section'' and inserting '', section 2280, 2280a, 2281, or 2281(a) (relating to maritime safety), or section''.

Subtitle B—Prevention of Nuclear Terrorism

SEC. ___21. ACTS OF NUCLEAR TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

''§ 2332i. Acts of nuclear terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—Any person who knowingly and unlawfully—

''(A) possesses radioactive material or makes or possesses a device—

''(i) with the intent to cause death or serious bodily injury; or

''(ii) with the intent to cause substantial damage to property or the environment; or

''(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

''(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

''(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

''(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

''(2) THREATS.—Any person who, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

''(3) ATTEMPTS AND CONSPIRACIES.—Any person who attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

''(2) the prohibited conduct takes place outside of the United States and—

''(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

''(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

''(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

''(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

''(4) a perpetrator of the prohibited conduct is found in the United States.

''(c) PENALTIES.—Any person who violates this section shall be punished by death or imprisoned for any term of years or for life.

''(d) NONAPPLICABILITY.—This section does 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) DEFINITIONS.—In this section:

''(1) ARMED CONFLICT.—The term 'armed conflict' has the meaning given that term 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 radiological 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 armed 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 production, 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 significant amounts of radiation or radioactive material.

''(7) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given the term in section 831(f)(1).

''(8) RADIOACTIVE MATERIAL.—The term 'radioactive material' means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous 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, owing 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 the term 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 33.

''(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:

''2332i. 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.

SEC. ___22. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(2) by inserting after paragraph (2) the following:

''(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;'';

(3) in paragraph (8), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (5)''; and

(4) in paragraph (9), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (7)'';

(b) in subsection (b)—

(1) in paragraph (1), by striking ''(7)'' and inserting ''(8)''; and

(2) in paragraph (2), by striking ''(8)'' and inserting ''(9)'';

(c) in subsection (c)—

(1) in subparagraph (2)(A), by inserting ''or a stateless person whose habitual residence is in the United States'' after ''United States'';

(2) in paragraph (4), by striking ''or'' at the end; and

(3) by striking paragraph (5) and inserting the following:

''(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

''(6) the offense is committed outside the United States and against any state or government facility of the United States; or

''(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.'';

(d) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

''(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.''; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

''(8) the term 'armed conflict' has the meaning given the term in section 2332f(e)(11);

''(9) 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 armed forces who are under their formal command, control and responsibility;

''(10) the term 'state' has the meaning given the term under international law, and includes all political subdivisions of the state;

''(11) the term 'state or government facility' has the meaning given the term in section 2332f(e)(3); and

''(12) the term 'vessel of the United States' has the meaning given the term in section 70502 of title 46.''.

SEC. ___23. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ''2332i (relating to acts of nuclear terrorism),'' before ''2339 (relating to harboring terrorists),''.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by inserting ''2332i,'' before ''2340A,''.

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by inserting '', 2332i,'' after ''2332h''.

SA 2991. 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 specified in the New START Treaty, the United States should retain a nuclear ''Triad'' of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that ''[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities''.

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

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

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

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

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

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 nondeployed 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. 704. CERTAIN 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 subsection (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, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

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

''(i) service in the armed forces (not including the Coast Guard);

''(ii) current service on active duty in the Coast Guard, or those members of the Coast Guard Reserve who are enrolled in the TRICARE program;

''(iii) current service on active duty in the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service; or

''(iv) being a dependent of a member covered by clause (i) or of a member of a service covered by clause (ii) or (iii).

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

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

''(ii) being a dependent of a member of a service described in clause (i).

''(C) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

''(D) Except as provided in subparagraph (C), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

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

''(iii) any other law.''.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by $30,000,000, with the amount of the increase to be available for the provision of care in accordance with subsection (g) of section 1077 of title 10, United States Code (as added by subsection (a) of this section).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by $30,000,000.

SA 2994. Mr. CASEY (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.

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

(1) In its December 2011 report entitled ''Critical Materials Strategy'', the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

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

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous byproducts to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

SA 2995. Mr. PORTMAN 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. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

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

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

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

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

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

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

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

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

SA 2996. Mr. ROCKEFELLER 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:

Beginning on page 590, strike line 11 and all that follows through page 595, line 7, and insert the following:

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2013''.

SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3503. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion or to promote short sea transportation.'';

(2) in subsection (c), by striking ''coastal corridors'' and inserting ''coastal corridors or to promote short sea transportation'';

(3) in subsection (d), by striking ''that the project may'' and all that follows through the end of the subsection and inserting ''that the project uses documented vessels and—

''(1) mitigates landside congestion; or

''(2) promotes short sea transportation.''; and

(4) in subsection (f), by striking ''shall'' each place it appears and inserting ''may''.

(b) DOCUMENTATION.—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

''§ 50307. Maritime environmental and technical assistance

''(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under Untied States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

''(b) REQUIREMENTS.—The Secretary of Transportation may—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) COORDINATION.—Coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

''50307. Maritime environmental and technical assistance.''.

SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking ''When the head'' and inserting the following:

''(1) IN GENERAL.—When the head''; and

(2) by adding at the end the following:

''(2) DETERMINATIONS.—The Maritime Administrator shall—

''(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

''(3) NOTICE TO CONGRESS.—

''(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

''(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

''(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.''.

SEC. 3506. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

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

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller

General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting ''or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof'' after ''a non-profit training institution''.

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 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. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) PROGRAM AUTHORIZED.—

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

''§ 1144A. Transition Assistance Advisors

''(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

''(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

''(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

''(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

''(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

''(2) At any time not covered by paragraph (1)—

''(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

''(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

''(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

''(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

''(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

''(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

''(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

''(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

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

''(B) A description of the transition services that the member and the member's family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

''(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

''(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

''(e) 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.—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) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

''1144A. Transition Assistance Advisors.''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

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 or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

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

SA 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. 1032. PLAN FOR LONG-TERM DETENTION FACILITY OUTSIDE THE 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 as the location 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 location of the long-term 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 E 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 foreign boycotts 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 IMPLEMENTATION 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—

(1)(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.

(b) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate 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) should 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 and inform 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.

(c) SPECIFIED CONGRESSIONAL 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 the 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. 1032. PROHIBITION ON USE OF FUNDS TO PURCHASE FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

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

(b) FUNDS COVERED BY PROHIBITION.—Such subsection is further amended by striking ''to the Department of Defense''.

(c) CONFORMING AMENDMENT.—The heading of such section 1026 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. BEGICH,) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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 INVOLVING SUCH ACTIVITIES.

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

(1) In 2012, 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) in 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 8, 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 the department will be forced to use its existing authorities to begin to realign and close bases''.

(7) The Department of Defense may close or realign bases only 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.

(8) Section 2687 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.

(9) Sections 2687 and 993 of title 10, United States Code, contain single action limits on reductions that are too easily circumvented by cumulative actions.

(10) 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.

(11) 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''.

(b) LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2687 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''at which at least 300 civilian personnel are authorized to be employed'';

(B) by amending paragraph (2) to read as follows:

''(2) any realignment with respect to any military installation involving a reduction in the number of military and civilian personnel authorized to be employed at such military installation at the time the Secretary of Defense notifies Congress under subsection (b) of the Secretary's proposal to close or realign such installation by more than the lesser of—

''(A) 100; or

''(B) 50 percent of the highest number of military and civilian personnel assigned to such installation during any of the previous 4 years; or''; and

(C) in paragraph (3)—

(i) by striking ''other than a military installation referred to in clause (1) or (2)'';

(ii) by inserting ''military or'' before ''civilian personnel''; and

(iii) by striking ''to which clause (1) or (2)'' and inserting ''to which paragraph (1) or (2)''; and

(2) in subsection (b)—

(A) by striking ''referred to in such subsection'';

(B) in paragraph (1)—

(i) by striking ''or the Secretary of the military department concerned'';

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively;

(iii) by inserting before subparagraph (B), as redesignated by clause (ii), the following new subparagraph:

''(A) a justification for the proposed action;'';

(iv) in subparagraph (B), as so redesignated, by striking ''; and'' and inserting a semicolon;

(v) by inserting after subparagraph (B), as so redesignated, the following new subparagraph:

''(C) a description of the alternatives considered;'';

(vi) in clause (ii) of subparagraph (D), as so redesignated, by striking ''; and'' and inserting a semicolon; and

(vii) by inserting after subparagraph (D), as so redesignated, the following new subparagraphs:

''(E) an estimate of the number of military, civilian, and contractor personnel affected by the proposed action; and

''(F) a plan to provide support for affected communities; and''; and

(C) by amending paragraph (2) to read as follows:

''(2) Congress has enacted legislation expressly authorizing the action.'';

(3) in subsection (c)—

(A) by striking ''shall not apply to the closure'' and inserting the following: ''shall not apply—

''(1) to the closure'';

(B) by striking ''or a military emergency.'' and inserting ''or a military emergency; or''; and

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

''(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.'';

(4) in subsection (d), by striking ''(1) After the expiration'' and all that follows through ''(2) Nothing in this section'' and inserting ''Nothing in this section'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''and any public land under Bureau of Land Management control that is withdrawn and reserved for military training and testing'' after ''including any leased facility'';

(B) by amending paragraph (3) to read as follows:

''(3) The term 'realignment' includes any action or combination of actions within a 4-year period that reduces or relocates functions and military or civilian personnel positions, but does not include a reduction in force resulting from a reduction in military end strength levels or a reduction in total civilian personnel levels.'';

(C) by striking paragraph (4); and

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

''(4) The term 'closure' includes any action or combination of actions that results in the elimination of all active functions at a military installation, the elimination of all military and civilian personnel positions at a military installation, or the placement of a military installation into non-active status.''; and

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

''(g) For purposes of this section, the component bases of a joint base shall be considered as independent military installations, and not collectively as a single military installation.

''(h) For purposes of this section, any leased space in which more than 300 combined military and civilian personnel are housed shall be considered to be an independent military installation, and shall not be considered part of a larger military installation. Functions and personnel located at a leased space may be transferred to another leased space located within 50 miles or to the nearest military installation located within 50 miles notwithstanding any limitations in this section.''.

(c) CRITERIA.—Not later than March 31, 2013, the Comptroller General of the United

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 units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(d) 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) PROHIBITION ON USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act may be obligated or expended to consider a round of defense base closure and realignment.

SA 3007. 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 H of title X, add the following:

SEC. 1084. SENSE OF THE SENATE ON NEGOTIATING CONCESSIONS WITH TERRORISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has a longstanding policy of opposing negotiations with terrorists and terrorist organizations on concessions of any kind, including ransom demands, prisoner releases, and hostage exchanges. This longstanding policy has been repeated by numerous administrations over the past four decades.

(2) For example, at an August 4, 1975, meeting between President Gerald Ford and Secretary of State Henry Kissinger and President of Yugoslavia Josip Tito, Secretary Kissinger explained that the United States' ''position is, as it has always been, that we refuse to negotiate and to pay ransom in these cases. We do this in order not to encourage the capture of other Americans for the same purpose.''

(3) In his comments to President Tito, Secretary Kissinger explained the basis for the United States' policy, as well as his expectation that the United States would never change this no-negotiation policy: ''The American Government will always refuse to negotiate because that is the only way we can keep demands from being made upon us.''

(4) In the same conversation, President Ford said, ''It's our strong feeling that if we were to breach this hard line that we take there would be no end to the demands being made upon us. We have to be tough and that is right in the long run.''

(5) On January 20, 1986, President Ronald Reagan issued National Security Decision Directive Number 207, which prohibits negotiations with terrorist organizations regarding the release of hostages.

(6) National Security Decision Directive 207 sets forth in unequivocal terms the United States' ''firm opposition to terrorism in all its forms'' and makes clear the government's ''conviction that to accede to terrorist demands places more American citizens at risk. This no-concessions policy is the best way of protecting the greatest number of people and ensuring their safety.''

(7) National Security Decision Directive 207 continues to say: ''The [United States Government] will pay no ransoms, nor permit releases of prisoners or agree to other conditions that could serve to encourage additional terrorism. We will make no changes in our policy because of terrorist threats or acts.''

(8) Department of State Publication 10217, which was released in similar formats by the administrations of George H.W. Bush in 1991 and Bill Clinton in 1994, espouses the same no-concessions policy and makes clear the United States ''will not support the freeing of prisoners from incarceration in response to terrorist demands''.

(9) On April 4, 2002, President George W. Bush said, ''Terror must be stopped. No nation can negotiate with terrorists, for there is no way to make peace with those whose only goal is death.''

(10) Secretary of State Hillary Clinton, while serving in the United States Senate, wrote in 2007 that the United States ''cannot negotiate with individual terrorists; they must be hunted down and captured or killed''.

(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.

SA 3008. 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 F of title X, add the following:

SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) CONCESSION.—The term ''concession'' shall include any discussion or demand for payment or ransom, the withdrawal of United States military or diplomatic presence, or the release of any prisoner or detainee held by the United States.

(3) NEGOTIATIONS WITH TERRORISTS.—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 render the person or the organization inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) is part of al Qaeda or affiliated with al Qaeda through any council or activity.

(b) REPORTING REQUIREMENT.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report that identifies any instance within the previous 300 days in which the United States engaged in negotiations with terrorists regarding any person held in the custody of the United States or allied forces.

(2) PERIODIC REPORTS.—If any employee, agent, or representative of the Department of Defense or the Department of State engages in, authorizes, or cooperates in any way with negotiations with terrorists regarding any person held in the custody of the United States or allied forces, the Secretary of Defense or the Secretary of State, as the case may be, shall submit a report to the appropriate committees of Congress within 30 days.

(3) CONTENT.—A report under this subsection shall include all relevant facts, including—

(A) the name of each terrorist person or organization at issue;

(B) the name of any prisoner, detainee, or hostage who was the subject of such negotiations;

(C) the concessions demanded or discussed during the negotiations;

(D) the name of any government or third party involved in the negotiations; and

(E) the outcome of the negotiations.

(4) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3009. 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 XII, add the following:

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

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

(1) The Authorization for the Use of Military Force (Public Law 107–40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and

the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the ''Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan'', which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

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

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

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

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 AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) NOTICE TO CONGRESS.—Not later than five days after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice of the detention.

(b) REPORT.—

(1) IN GENERAL.—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 use of naval vessels for the detention outside the United States of any individual who is captured pursuant to the Authorization for Use of Military Force. Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of the naval vessel; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SA 3011. 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 any 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 the United States or 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 notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) 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, willingness, and historical track record of the country for reintegrating or rehabilitating similar individuals.

(4) 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, willingness, 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 House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations 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, 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 or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

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

SA 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 (4), 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 apply to any person whose detention is authorized by section 1021 of the National Defense Authorization Act

for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) DISPOSITION UNDER LAW OF WAR.—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012, except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note).

(4) 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 certification in writing that such a waiver in the particular case 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 citizens of the United States.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after effective date.

SA 3014. Mr. REED 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 VI, add the following:

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

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

''(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced as follows:

''(A) By the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.

''(B) By the attorneys general of the States or State regulators in accordance with section 1042 of the Consumer Financial Protection Act (12 U.S.C. 5552).''.

SA 3015. 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 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. PROTECTION OF VETERANS' MEMORIALS.

(a) TRANSPORTATION OF STOLEN MEMORIALS.—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

''In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of $5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.''.

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—Section 2315 of such title is amended by adding at the end the following:

''In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of $5,000 or more does not apply. In this paragraph, the term 'veterans' memorial' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.''.

SA 3016. 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:

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

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

(b) DEFINITIONS.—In this section:

(1) The term ''covered offense'' means the following:

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

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

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

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

(A) Child abuse.

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

(C) Domestic violence involving aggravated assault.

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

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

(1) by striking subparagraph (A) and inserting the following new sub paragraph (A):

''(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

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

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

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

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

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

''(I) in the case of generic agents, $0;

''(II) in the case of formulary agents, $13; and

''(III) in the case of nonformulary agents, $43.''; and

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

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

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

(b) EFFECTIVE DATE.—

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

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

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

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

(3) NO DENIAL.—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) NONPARTICIPATION.—

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

(2) WAIVER.—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(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.

SA 3018. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, 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. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

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

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

''(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

''(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 27, 2012, at 10 a.m., to hold a hearing entitled, ''Update on Arms Control Matters''.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 27, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Daley, a State Department detailee to the Foreign Relations Committee, be given floor privileges during the debate on the disabilities treaty.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent, on behalf of Senator MURRAY, that Jake Cornett, a fellow in her office, be granted floor privileges for the remainder of the 112th Congress.

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

THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3642.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass this simple, commonsense legislation to clarify a provision of the Economic Espionage Act and thereby help protect American businesses and American jobs.

The Economic Espionage Act makes it a crime to, among other things, steal a trade secret knowing that the theft will hurt the owner. This is an important protection for American businesses, which often choose trade secret protection over other forms of intellectual property protection.

A recent decision of the Second Circuit in United States v. Aleynikov 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 neither 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 so hard to develop, so they may continue to grow and thrive. I urge the House to act quickly to pass this commonsense legislation.