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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. ROONEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 3, 2012.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROONEY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

At the beginning of a new day and another week, help us to discover the power of resting in You and receiving assurance and encouragement in Your amazing grace.

Send Your Spirit down upon the Members of the people's House, who have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government.

May they be reminded always of who they are. Grant them wisdom, insight, and vision, that the work they do will be for the betterment of our Nation during a time of struggle for so many Americans.

May they earn the trust and respect of those they represent, whether or not they had earned their vote, and make history that expands the great legacy of so many who have served in this Chamber before now—a legacy of noble service, sometimes political risk, but always great leadership.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 3, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the U.S. House of Representatives, effective today, to assume my new responsibilities of Mayor of the City of San Diego.

It has been a privilege and an honor to represent the people of California's 51st Congressional District for the past 20 years. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

BOB FILNER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 3, 2012.

Hon. EDMUND BROWN, JR.,
Governor, State of California, State Capitol, Sacramento, CA.

DEAR GOVERNOR BROWN: I write to inform you that I will resign my seat in the U.S. House of Representatives, effective today, to assume my new responsibilities of Mayor of the City of San Diego.

It has been a privilege and an honor to represent the people of California's 51st Congressional District for the past 20 years. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

BOB FILNER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from

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California (Mr. FILNER), the whole number of the House is 432.

ENTITLEMENT REFORMS MUST BE ADDRESSED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the next 29 days, the President has a huge responsibility to work together with Congress and find a solution to avert the fiscal cliff. With over $16 trillion in debt, our Nation is at a crossroads. We must rein in our out-of-control spending by addressing entitlement reform, a driving force that is jeopardizing our long-term fiscal security.

According to a recent blog post from The Heritage Foundation:

> Social Security, Medicare, and Medicaid are on auto pilot. It's not even subject to the regular budget process. Spending on just those three programs will jump from 10.4 percent of gross domestic product (GDP) in 2012 to 18.2 percent in 2048, meaning it will require every single cent of Federal taxes collected.

Because of this fact, we must reform entitlement programs to protect current participants and to ensure that future generations will benefit, rather than inherit more debt caused by out-of-control spending. It is my hope that the President will reconsider his recent proposal and work with Republicans to save America's entitlement systems, which are a vital safety net.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE PENTAGON'S SPIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Over 12 million Americans are unemployed while our infrastructure is falling apart. But at least the U.S. is creating some jobs—for spies.

The Washington Post says the Pentagon will dramatically expand the role and size of its own personal spy agency, the Defense Intelligence Agency, the DIA. It's like the CIA, but they get their mission assignments from the Pentagon. The report says the plan includes sending 1,600 ''collectors''—that's what they call their spies—all over the world. This is what the CIA does, except they're called ''agents.'' The DIA doesn't have to report to Congress like the CIA does, so we would know even less than we know about situations like Benghazi.

Why the Pentagon needs its own spy agency is anyone's guess—maybe to keep an eye on its own generals when the CIA and FBI do not. Meanwhile, the CIA has been taking over Pentagon functions, conducting military strikes with drones all around the world. We have the CIA bombing people and the Pentagon spying on people. Who knows what the other dozen spy agencies are up to.

Big government leads to a big national security state which leads to Big Brother getting fat on tax dollars while we have less freedom.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1603

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 4 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5817) to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Eliminate Privacy Notice Confusion Act''.

SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

''(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b),

''(2) does not share information with affiliates under section 603(d)(2)(A) of the Fair Credit Reporting Act, and

''(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

''(g) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

''(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, or any territory of the United States; or

''(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, or any territory of the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

GENERAL LEAVE

Mrs. CAPITO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

I would first like to thank Mr. LUETKEMEYER and Mr. SHERMAN for authoring the bill before the House today. I would also like to thank Mr. LUETKEMEYER for his hard work on the Financial Institution and Consumer Credit Subcommittee, where he has championed many initiatives to provide commonsense regulatory relief for small financial institutions.

The House of Representatives has already passed one bill to remove an outdated requirement for duplicative disclosure of ATM fees on the machines—commonsense reform. I urge our colleagues in the Senate to pass both of these bills to provide this commonsense regulatory relief for banks and credit unions across the country.

I know Mr. LUETKEMEYER shares my concerns that in recent years Federal financial regulatory agencies have piled on more regulations without properly assessing the current regulatory regime to remove outdated, unnecessary, or overly burdensome regulations. Last year, members of our

House Financial Services Committee urged the Treasury Secretary to make good on a promise from the summer of 2010 to take care, as the Dodd-Frank Act was implemented, to ensure that Federal agencies conducted a thorough assessment of the current regulatory structure, to ensure this opportunity to truly modernize and streamline the Federal code. We wanted to make sure this opportunity was not missed. Although Secretary Geithner claims that this streamlining is a priority, we've really seen very little progress on this front.

H.R. 5817 provides an example of how both sides can come together—and I would like to thank Mr. SHERMAN for his work on this as well—to identify outdated and duplicative regulatory requirements. Under current law, financial institutions are required to provide annual privacy notices to their customers that explain all of their information and practices. Financial institutions are required to mail those notices regardless of whether or not the information-sharing practices have changed. These annual mailings cost millions of dollars each year and do not provide consumers with new information if the financial institution has not changed their practice.

The legislation before us today will require a financial institution to provide annual privacy notices only if they have changed privacy policies that affect the customer. This is an important, commonsense bill that will provide further clarity to customers and consumers and eliminate an unnecessary regulatory burden for our financial institutions.

Again, I would like to thank Mr. LUETKEMEYER and Mr. SHERMAN for their leadership on this issue, and I reserve the balance of my time.

Mr. SHERMAN. I yield myself such time as I may consume in support of H.R. 5817, the Eliminate Privacy Notice Confusion Act. I want to thank Representative LUETKEMEYER for his work in introducing this bill. I've enjoyed working with him on it.

Madam Speaker, this is commonsense legislation that makes a minor change to our banking laws to revise a very costly and unnecessary requirement that financial institutions such as banks and credit unions and other depository institutions must send each of their customers a copy of their privacy policy every year, even when that policy hasn't changed from the prior year when they got the same exact privacy notification. For banks, credit unions, and other financial institutions of all sizes, this means spending a small fortune to reprint millions of complicated and long documents, then mailing them to every consumer, even when there's been no change in the policy.

□ 1610

It is disadvantageous not only because of the time and cost in mailing these—and the trees that are no doubt consumed—but also because customers have no way to separate the wheat from the shaft. They're getting these notices every year from every financial institution with whom they have dealings without any indication as to whether there's been a change from the privacy policy that they received just a year ago. By sending out less, we attract attention to those situations where there's been a change in the privacy policy.

Our bill makes a simple fix to this problem, requiring financial institutions to provide their customers with this additional notification only when there's been a change that affects the policy or practice as it relates to that consumer. As a result, consumers will know that the privacy notices that arrive in their mailbox actually require their attention. And banks, credit unions, other financial institutions that have been spending millions of dollars to mail out duplicative notices and redundant notifications each year can redirect those savings back to providing for the consumer, to their community, or to loans to help our economy grow.

Madam Speaker, I want to thank, as I did at the beginning of my presentation, our colleague and chief sponsor of this bill, Representative LUETKEMEYER of Missouri, and thank him for his leadership on this issue. I also want to thank our long-time colleague, ranking member of our Financial Services Committee, BARNEY FRANK, for his work in getting us to this point where we can consider this bill on the floor today.

I will, in short order, be asking for a recorded vote on this bill, not because it needs a recorded vote, but because I've been informed by my leadership that it's important to this House that we have time on the floor tomorrow to confer with each other on Members and that we have a sufficient number of recorded votes. So my colleagues should not interpret my request for a recorded vote as any statement that this bill is something we have to go on record on or that I would disagree with the outcome of any voice vote, but simply as an act of collegiality, showing that I think we ought to spend more time with each other on this floor tomorrow, and I know we will all enjoy that process.

With that, I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I would like to yield such time as he wishes to consume to the principal sponsor of this bill, a great member of the Financial Services Committee, the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Thank you, Chairwoman CAPITO, for yielding.

Also, I want to thank Mr. SHERMAN for his fine remarks. We certainly will take no offense to a recorded vote and will not oppose that. We understand and support collegiality among ourselves, especially in this time when it seems to be more partisan and toxic than it is friendly, so no problem there, Representative.

I rise today in strong support of H.R. 5817, the Eliminate Privacy Notice Confusion Act. I introduced this legislation earlier this year in an effort to reduce yet another unnecessary burden facing consumers and financial institutions alike.

Under current law, financial institutions of all sizes are required to provide annual privacy notices explaining information sharing practices to all customers. Banks and credit unions are required to give these notices each year even if their privacy policies have not changed in the slightest. This creates not only waste for financial institutions, but confusion among and increased indirect cost to consumers.

H.R. 5817 would require institutions to provide privacy policy information to their customers only if they've changed any policy or practice related to that customer's privacy. This bill would eliminate millions of costly, confusing, and often ignored mailings that cost millions of dollars to produce each year. And with passage of this bill, information included in these mailings would likely be more significant to the consumer because they would only come after a change in the privacy policy.

Again, I want to remind my colleagues that this legislation specifically ensures that a financial institution cannot be exempted from annual privacy notices if that institution changes in any way its policies or practices related to the disclosure of nonpublic personal information.

This legislation is supported by Independent Community Bankers of America, the Credit Union National Association, the American Bankers Association, and the National Association of Federal Credit Unions, among others.

Again, I want to thank the gentleman from California (Mr. SHERMAN) for his fine support and his good work on this issue. Also, I want to thank Chairman BACHUS, Ranking Member FRANK, Chairwoman CAPITO, and Ranking Member MALONEY for their assistance in ensuring that this legislation passes without delay. This commonsense legislation has garnered widespread bipartisan support, and I urge my colleagues to join me in supporting its passage.

Mr. SHERMAN. I'll take a minute to put into the RECORD the statements of Adam Levitin, a professor of law at the Georgetown University Law School, in support of this bill. He came before our committee in May of 2012 and stated ''there are unquestionably financial regulations that do little other than add to regulatory burdens.'' He cited, in particular, the provision that this bill addresses, and said: ''I would also urge the elimination of the privacy disclosure requirement even if there is no substantive replacement for it.'' But then he added: ''And, at the very least, eliminate the requirement of an annual

disclosure when there has been no change to the policy.'' I couldn't agree more with the professor.

SMALL BANKS' REGULATORY BURDENS

While many small banks and credit unions believe that their regulatory burden is too great, it has little to do with the Dodd-Frank Act. Therefore, concerns about the regulatory burdens on small banks do not provide a good justification for altering or repealing provisions of the Dodd-Frank Act. If there is a problem with the burdens created by specific regulations, then by all means, we should reexamine those regulations and decide if they make sense.

There are unquestionably financial regulations that do little other than add to regulatory burdens. For example, the Gramm-Leach-Bliley Act/Reg P privacy disclosures create an ongoing regulatory burden for financial institutions, which have to craft their privacy policies and send annual disclosures to consumers, irrespective of whether there have been changes to the policies. Yet the benefits from these disclosures are at best small and likely non-existent or negative; few consumers read the policies, and they cannot be negotiated. Gramm-Leach-Bliley Act privacy disclosures instead substitute for meaningful substantive privacy protections. While I would urge Congress to consider more substantive privacy protections rather than mere disclosure that there are few protections, I would also urge the elimination of the entire Gramm-Leach-Bliley Act privacy disclosure requirement even if there is no substantive replacement, and, at the very least, eliminate the requirement of an annual disclosure when there has been no change to the policy.

Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

The language which is in question here is language which was spurred by Mr. BARTON and I in 1999 as part of the consideration of the Gramm-Leach-Bliley bill. The language for privacy, none had been included in the Senate and none had been included in the rest of the process. But as the bill came to the Energy and Commerce Committee in 1999, Mr. BARTON and I, we added privacy language, believing that as companies are able to consolidate banking records, insurance records, brokerage records, the physical examinations of customers and their medical secrets, that there should be privacy here. We were no longer talking about just going into a bank and having old Mr. Wentworth there that you and your family had known your entire life, and you trusted Mr. Wentworth, and there was actually a whole long family history. That is no longer the case. We are now basically living in a world where we have moved from an era of privacy keepers to privacy peepers and data-mining reapers trying to create profiles of people, using all of their financial information as a way of basically making their companies more efficient, but simultaneously compromising the privacy of families all across our country. So, while ultimately the language which Mr. BARTON and I included on the House side in Gramm-Leach-Bliley was watered down in the final compromise, that's the privacy that's in the bill.

So, one of the things, of course, that I believed and Mr. BARTON believed was that people should get the information that their privacy could be compromised by these now huge mega-banks.

□ 1620

So what this bill is saying is, you don't have to notify people of that each year. You don't have to tell them. If they didn't figure that out when the bank first signed you up as a company, they never have to tell you again because they notified you once right there in the beginning.

Ladies and gentlemen, the amount of information which we get at home from these banks, massive, as you know. You open up your mailbox every day, and there's like 25 solicitations from financial institutions all across the country. They've got loads of money to do that, loads of money. You look at their TV commercials, loads of money. ''You're in safe hands when you give your family's wealth over to this financial institution.''

But if you ask them to just provide a scintilla of information on what privacy rights they have in terms of protecting all of their family secrets inside of that financial information, the banks say, Oh, no, that's too expensive. We can't do that. How can you afford that?

So this just gets right back to the same argument that we had during Gramm-Leach-Bliley, the same exact debate, the same exact terms. And all I can tell you is, there's a looming privacy catastrophe coming in this country. People just don't understand the full consequences of what this new cyberworld makes possible in terms of the compromise of information.

You know, when you're writing out the information to buy the Ritalin for your child, that's a check that the bank has. There it is. You haven't told anyone else in your family that you have a daughter who needs it. All of this has to be told to the public on an ongoing basis.

I urge a ''no'' vote on this suspension.

Mrs. CAPITO. Madam Speaker, I yield 2 minutes to my friend from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentlelady from West Virginia for her courtesy. She didn't have to yield me time since I'm in opposition to the bill, and I appreciate it.

I am in opposition to this bill, although it is very well-meaning and well-intentioned. Who could be opposed to saving some money for our struggling financial institutions when they have to send out these privacy notices? And for the smaller institutions, there's no question that they're very expensive.

The problem is that you can't just give away your privacy rights. And while this bill does nothing about the underlying issue of privacy, it does, at least, require that once a year, banks and financial institutions subject to Gramm-Leach-Bliley inform people that there are some privacy protections in the law. I don't think they're very strong. I think they need to be upgraded. And Congressman MARKEY and I, who are cochairmen of the bipartisan Privacy Caucus, have legislation that does that.

Having said that, we should not willingly give up the privacy protections that we have. And this bill would eliminate a requirement of notification, which is, I admit, not the same as reducing the privacy that is in the law. But when you start down that slippery slope where you know that you don't have to notify of privacy protection, the next step is to not even have privacy at all. So I do oppose this bill—respectfully so—and would ask for a ''no'' vote when we call for the yeas and nays.

Again, I want to thank the gentlelady for her courtesy, and I commend the sponsor for his efforts on the bill.

Mr. SHERMAN. I rise again in support of this bill, and I yield to no Member in terms of my dedication to privacy.

If this bill passes, you're going to get notification of what the privacy rules are when you start with the financial institution. You are going to get notified every time they make a change. And you are going to be notified any time of the night or day when you simply go onto the Web site and look at the required privacy notification.

When Gramm-Leach-Bliley was passed, not everybody had access to the Internet. I realize today not everybody does. But a much larger percentage of Americans are familiar with the Internet, have access to the Internet, and know that if they want to see the privacy notification, the privacy rules of their financial institution, it's there on the Internet in a way that most Americans are going to have easy access to.

The idea that you are mailed a copy of something you've already been mailed a copy of, which hasn't changed, that does little or nothing to provide additional privacy, except that we can say, Oh, we're for privacy.

If we want to protect the privacy of our constituents, we ought to do so in a meaningful way, not to simply say, The same thing you got a copy of a year ago today, which is available to you any time of the day or night, is something we're going to chop down some more trees and send you a copy of again. And that's the best idea we can come up with to protect your privacy.

I think, instead, we ought to pass this bill, know that we've given everybody a copy of the privacy policy of the financial institution on paper, that they get another paper notice if there's any change, and there is a continuous notice on the Internet every day of the year, every night of the year.

With that, I yield 1 minute to the gentleman from Massachusetts.

Mr. MARKEY. For the record, for anyone who's listening, the American Civil Liberties Union opposes this; the

American Library Association opposes this; the Consumer Union opposes this; the Liberty Coalition opposes this; and the Coalition for Patient Privacy opposes this.

And the reason is this: You signed up with a bank 10 years ago—Megabank Inc. They sent you a privacy notice. Then every year for the next 10 years, they buy a new entity that locks right in as an affiliate. And you've already signed off on everything they do, but they don't have to notify you that this new entity, this new affiliate is going to have a totally new use for that information. But you are supposed to have already been notified in 2002.

Moreover, ladies and gentlemen, why can't they just email this notice each year to people? Why can't they just email it to people? ''Here's your privacy.'' And every year it goes out. No tree is chopped down. There is nothing done that affects the environment. Everybody just gets the email each year. ''Here are your privacy rights.'' And it goes in a separate email so that everyone is really getting the opportunity to single it out. It doesn't cost anything. It gives everyone all the information they need.

Mr. SHERMAN. I thank the gentleman for his presentation.

I would be happy to cosponsor legislation to require an email notification once a year to every customer who's willing to provide their email address to the financial institution. There are some who would say, I don't want to give my email address to my financial institution. But to everybody who is willing to provide that email. I couldn't agree with you more. If this was done by email, it ought to be done at least annually.

I look forward to joining with the Members who are here in this room and are interested in requiring an annual email notification. I don't know if the sponsor of the bill would be interested in that. But I will join the gentleman from Massachusetts in legislation on that.

But let's act today to end the expensive and resource-consuming annual paper notification.

And with that, I reserve the balance of my time.

Mrs. CAPITO. Madam Chair, I yield such time as he may consume to the gentleman from Missouri, the principal sponsor of the legislation.

Mr. LUETKEMEYER. I thank Chairwoman CAPITO.

I would like to respond to some of the comments that have been made. First, I want to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) for their work on the privacy notice and protection of our private information. I think it is extremely important, and I applaud those efforts, and I support those efforts.

If you will look at this particular bill, this is not an effort to thwart any sort of ability for people to protect their private information. Within the privacy law, there are all sorts of other protections. So it doesn't change one single dot of an I or a cross of a T on the rest of the notifications there, whether it deals with the kind of information you can collaborate on or the different kinds of information that you can be a part of.

□ 1630

All it does is just say that the notification that is supposed to be required annually is not made unless there is a change.

The gentleman from Massachusetts made some comments with regards, Madam Speaker, to the amount of mail that he gets from the banks. That's not necessarily something that is the compliance area; it's called marketing. Whenever they're trying to market for their credit cards or market for their services, that's part of their marketing budget. That's where those dollars come from to be able to do those things. That's part of being a business.

When it comes time for an individual to be notified of changes, such as you merge another bank or another institution with others and you're one of the individuals whose institution was bought out, you will receive a new notice because obviously there will be a change in the information that's going to be held by the banks. You'll be notified of that because it is a significant change.

I'm not sure that the gentlemen that spoke in opposition have quite thought through their arguments. Basically, all we're doing is allowing for some bookkeeping things to be done here. We're not impacting the individual's privacy at all. I think if you went on the street and you asked 10 people whether they thought this was a good idea or not, I guarantee there would be at least nine, and probably one would say, I can take it either way. I don't see any opposition from the consumers themselves whenever they're actually paying for these notices through higher charges through their bank accounts.

I think that there is a lot of good we're trying to do here. We're not trying to change the world. All we're trying to do is continue to protect the integrity of the information the banks and credit unions are holding on these individuals and provide for the ability of those institutions to do it in a more effective and cost-effective manner.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

I would just state that I agree with the gentleman from Massachusetts, that we ought to require email notification of what the privacy policy is annually as a good compromise. I would hope that some of the others here on the floor would take a minute to comment on that, or I would yield to them. Obviously, such an email could be sent only to those customers who voluntarily provide their email address to the financial institution.

When you look at the idea of an expensive postal mailing using resources to provide an exact copy of something that was previously mailed in hard copy on paper to the same consumer a year earlier, on balance, that is not a good use of societal resources nor a good use of most consumers' time. I think the fact that these policies are up on the Web and available whenever somebody takes an interest in them is also important.

With that, I reserve the balance of my time.

Mrs. CAPITO. Does the gentleman have any more speakers? I'm prepared to close if you're prepared.

Mr. SHERMAN. I have no further speakers, and I yield myself such time as I may consume.

I would just add that there are many of us who are dedicated to privacy, but not every privacy requirement makes sense. Here's a case where people are notified on paper.

Finally, I want to address the gentleman from Massachusetts' comment that maybe when you were notified on paper your financial institution only had two or three subsidiaries and 10 years later they have several more subsidiaries with whom they may share information. The fact is that isn't disclosed in another copy of the financial institution's privacy policies. It may, in fact, be that your financial institution is offering more products, sharing your information with more subsidiaries. But voting down this bill is not a solution to that issue.

What is a solution is to have a policy where you have to send it in writing once, send it in writing when it changes, provide it on the Web. And I would join with others, I would hope, in introducing legislation requiring annual email distribution.

With that, I have no speakers, I have no further comments, and I yield back the balance of my time.

Mrs. CAPITO. Madam Speaker, I recognize myself just simply to close to say privacy is an issue that is of concern to all of us. In these new ways of communicating that we have—and we can only imagine in our future—I think it becomes more and more difficult.

I would respond to the gentleman from California when he says that email notices—I haven't discussed it with the bill's sponsor. I wouldn't have an objection to that. However, many of us live in areas where the penetration of email is not like it is in California or Massachusetts or probably areas of Texas. There is a long way to go before that could be. Maybe next time this is debated in 10 years or whatever, that would be the norm. So I would make sure that that option for those who want to receive the paper can still do this.

Frankly, I think we're overcomplicating this issue. I think it is a commonsense revision. If we took the gentleman's 10 people that he met on the street and said, What would you think if the bank didn't mail these privacy

notices to you every year, if he further questioned them and asked them how many read these point by point—and I put myself in this category—it is probably very small, as well. Not to say that it doesn't need to be publicly available. When changes are made, we have to have public notification. I agree with that.

But I do believe, serving on the Financial Services Committee, I think it's become very apparent, when you talk to institutions and when you talk to customers that the piling on of new regulations, without weeding out some of these old regulations that have either been antiquated or duplicative or repetitive or wasteful or whatever, is burdening not just the institution, it is burdening the customer, too. I'm not sure it gets the wanted understanding of what's going on to the customer that we're trying to achieve here, and I do believe it's been overcomplicated.

Mr. SHERMAN. Will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from California.

Mr. SHERMAN. This bill was passed by the House as part of a package on March 8, 2006; this bill was pretty much in this exact form and was passed by this House June 24, 2008, as part of a package; then finally, as a separate bill, H.R. 3506 was passed by this House on April 14, 2010. So the House has a strong record of passing this legislation, and I hope we continue to do so.

With that, I thank the gentlelady for yielding.

Mrs. CAPITO. I thank the gentleman for bringing that up. I think it's an important point.

With that, I urge support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5817.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2012 at 3:08 p.m.:

That the Senate passed S. 2170.

That the Senate agreed to S. Res. 607.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 1640

DEPARTMENT OF LABOR ''HOT GOODS'' ISSUES

(Mr. WALDEN asked and was given permission to address the House for 1 minute.)

Mr. WALDEN. Madam Speaker, I rise today to ask Labor Secretary Hilda Solis a simple question on behalf of the farmers of Oregon: When will we get answers about the Department's heavy-handed enforcement tactics?

In August, my colleagues and I from the Oregon delegation—Republicans and Democrats alike—wrote to the Secretary about reports that the Department of Labor had been discarding rights of due process and appeal in using ''hot goods'' orders to enforce labor laws on farms in the Pacific Northwest. So far, we are still waiting for a written response 108 days later.

We know the Department can move with great speed when it wants to—when it's trying to shut down a farm with little due process or appeal. So why does it take so long to get answers for Oregon farmers? Again, I ask the Secretary to clarify in writing the Department of Labor's procedures for due process after a farm inspection.

Certainly, no one is advocating for unfair labor practices, but our farmers deserve due process and a clear understanding of what to expect from an investigation. Only the Department of Labor can provide these answers to Oregon's congressional delegation and to the citizens we represent. 108 days later, we and they still do not have those written answers, and that is simply unacceptable.

JOHNNY ''FOOTBALL'' MANZIEL FOR HEISMAN

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I rise in strong support of freshman sensation Johnny ''Football'' Manziel's quest to become the first freshman to win the Heisman Trophy. He is a redshirt freshman quarterback at Texas A&M who has led the Texas Aggies to a 10–2 record this year, losing only to Florida, which is currently ranked No. 3 in the Nation, and to LSU, which I believe is currently ranked No. 7 in the Nation.

He has broken the record for total offense, not once but twice this year, in the Southeastern Conference. His total offense for the year exceeds that of both Cam Newton's, of Auburn, and Tim Tebow's, of Florida, when they were playing, and they both won the Heisman Trophy in their years.

Texas A&M is going to play Oklahoma in the Cotton Bowl on January 7. It would be a supreme blessing if the Heisman Trophy voters for the first time were to vote for Johnny ''Football'' Manziel, quarterback of the fighting Texas Aggies.

HOUSE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

September 28, 2012:

H.J. Res. 117. A joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

October 5, 2012:

H.R. 1272. An Act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. An Act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

H.R. 2139. An Act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Club International.

H.R. 2240. An Act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. An Act to prohibit the sale of billfish.

H.R. 3556. An Act to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse''.

H.R. 4158. An Act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. An Act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. An Act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the ''Robert Boochever United States Courthouse''.

H.R. 5512. An Act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. An Act to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. An Act to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. An Act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. An Act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. An Act to make corrections with respect to Food and Drug Administration user fees.

November 27, 2012:

H.R. 2606. An Act to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 4114. An Act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

September 28, 2012:

S. 3625. An Act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

October 5, 2012:

S. 300. An Act to prevent abuse of Government charge cards.

S. 710. An Act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

October 19, 2012:

S. 3624. An Act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

November 27, 2012:

S. 743. An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1956. An Act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

SENATE BILL REFERRED

Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 30, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 915. To establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

ADJOURNMENT

Mr. BARTON of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 4, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8534. A letter from the Director — National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (HSACU) (RIN: 0524-AA39) received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8535. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting third periodic Report to Congress: Summary of Significant Safety-Related Infrastructure Issues at Operating Defense Nuclear Facilities; to the Committee on Armed Services.

8536. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Free Trade Agreement-Panama (DFARS Case 2012-D044) (RIN: 0750-AH79) received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8537. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Major General William E. Ward, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8538. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8539. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8053] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8540. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8541. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption [Release No.: IC-30268; File No.: S7-07-11] (RIN: 3235-AL02) received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8542. A letter from the Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting the Administration's final rule — Revising the Exemption for Digger Derricks in the Cranes and Derricks in Construction Standard [Docket ID: OSHA-2012-0025) (RIN: 1218-AC75) received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8543. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8544. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's eighth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8545. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

8546. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 13611 of May 16, 2012; to the Committee on Foreign Affairs.

8547. A letter from the Administrator and Chief Executive Office, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2012 Annual Report, pursuant to Public Law 89-448; to the Committee on Oversight and Government Reform.

8548. A letter from the Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2012; to the Committee on Oversight and Government Reform.

8549. A letter from the Secretary, Department of Labor, transmitting the Department's Fiscal Year 2012 Agency Financial Report; to the Committee on Oversight and Government Reform.

8550. A letter from the Secretary, Department of Veterans Affairs, transmitting that the Department's Performance and Accountability Report for Fiscal Year 2012 is available online; to the Committee on Oversight and Government Reform.

8551. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2012; to the Committee on Oversight and Government Reform.

8552. A letter from the Chairman, National Credit Union Adminsitration, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8553. A letter from the Acting Deputy Director, Office of Sustainable Fisheries,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC320) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8554. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN:0648-XC323) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8555. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC324) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8556. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule Extension, Closure of the Delmarva Access Area [Docket No.: 120330235-2014-01] (RIN: 0648-BC04) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8557. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit [Docket No.: 0907301205-0289-02] (RIN: 0648-XC290) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8558. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC288) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8559. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet; Correction [Docket No.: 120416007-2464-01] (RIN: 0648-BB67) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8560. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Gag And South Atlantic Shallow-Water Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XC135) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8561. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 34 [Docket No.: 120416008-2525-02] (RIN: 0648-BB72) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8562. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC295) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8563. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC271) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8564. A letter from the Acting Administrator, General Services Administration, transmitting a letter requesting approval of the prospectus proposing alteration of the Southern Maryland U.S. Courthouse in Greenbelt Maryland; to the Committee on Transportation and Infrastructure.

8565. A letter from the Over-All Supervising Commander, Walter Cushing Veterans of World War II, Inc., transmitting a letter from the Walter Cushing Guerrillas Units; to the Committee on Veterans' Affairs.

8566. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Unpaid Losses Discount Factors and Payment Patterns for 2012 (Rev. Proc. 2012-44) received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8567. A letter from the Assistant Secretary, Department of Defense, transmitting a certification of renewal pertaining to a collection of photographs assembled by the Department that were taken in the period between September 11, 2001 and January 22, 2009; jointly to the Committees on Armed Services and Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. COLE, Mr. MCHENRY, and Mr. SIMPSON):

H.R. 6625. A bill to grant Indian tribes jurisdiction over crimes of domestic violence that occur in the Indian country of that tribe; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA:

H.R. 6626. A bill to foster further innovation and entrepreneurship in the health information technology sector; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 6627. A bill to amend the Internal Revenue Code of 1986 to allow a credit for veteran first-time homebuyers and for adaptive housing and mobility improvements for disabled veterans, and for other purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

295. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 44 recognizing September 2012 and each September thereafter, as Sickle Cell Anemia Awareness Month; to the Committee on Energy and Commerce.

296. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 39 supporting the use of a portion of federally generated seafood product import revenues for domestic marketing and promotion of California fish and seafood; to the Committee on Agriculture.

297. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 37 urging the Congress to recongnize the importance of the F-35 aircraft and to support the full funding of the F-35 Jont Strike Fighter Program; to the Committee on Armed Services.

298. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 37 urging the Congress to recognize the importance of the F-35 aircraft and to support the full funding of the F-35 Joint Strike Fighter Program; to the Committee on Armed Services.

299. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Federal Housing Finance Agency to immediately allow the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to offer principal reductions to homeowners; to the Committee on Financial Services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ISSA:

H.R. 6625.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. Article II, section 2, clause 2:

[The President] shall have the power, by and with the Advice and Consent of the Senate, to make Treaties.'' For much of the Nation's history, Indian treaties, and legislation made pursuant to Indian treaties, governed the relations between the Federal Government and Indian tribes. The U.S. Supreme Court has acknowledged that these and other provisions of the Constitution of the United States grant Congress with broad plenary to legislate with regard to Indian affairs. The Court in Oliphant v. Suquamish Indian Tribes held in part that Congress' treaty and other dealings with tribes inherently divested tribes of criminal jurisdiction over persons who were not citizens of the host tribe. Similarly, the Court in U.S. v. Lara upheld Congress' restoration of tribal criminal authority over non-member Indians.

By Mr. HONDA:

H.R. 6626.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. LANGEVIN:

H.R. 6627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 797: Ms. PINGREE of Maine.
H.R. 1546: Mr. LYNCH.
H.R. 1672: Ms. DEGETTE, Mr. CONNOLLY of Virginia, and Ms. WASSERMAN SCHULTZ.
H.R. 2325: Mr. BARLETTA.
H.R. 2948: Mr. THOMPSON of California.
H.R. 2989: Mr. GARRETT.
H.R. 3357: Ms. EDWARDS.
H.R. 3627: Mr. AMODEI.
H.R. 3762: Mr. CARSON of Indiana.
H.R. 3993: Mrs. NAPOLITANO.
H.R. 5817: Mr. PAULSEN.
H.R. 5943: Mr. DUNCAN of Tennessee.
H.R. 6428: Ms. HANABUSA.
H.R. 6446: Mrs. BLACK.
H.R. 6457: Ms. FUDGE and Mr. POLIS.
H.R. 6527: Mr. BRADY of Pennsylvania.
H.R. 6582: Mr. LUETKEMEYER.
H.R. 6589: Mr. GENE GREEN of Texas, Mr. CARTER, and Mr. GONZALEZ.
H.R. 6616: Mr. BOUSTANY, Mr. MARCHANT, and Mrs. BLACK.
H.J. Res. 88: Mr. PERLMUTTER.
H. Con. Res. 21: Mr. NUNNELEE and Mr. PALAZZO.
H. Res. 220: Mr. DOYLE and Ms. SCHWARTZ.
H. Res. 814: Mr. ROSKAM and Mr. CARTER.

PETITIONS, ETC.

Under clause 3 of rule XII,

65. The SPEAKER presented a petition of John Wardlaw, Citizen, relative to a letter regarding the Social Security fund; which was referred to the Committee on Ways and Means.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, MONDAY, DECEMBER 3, 2012 No. 153

Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, king of kings and governor of all things, thank You for this opportunity to boldly approach Your throne of grace. It is at Your throne, God, that we obtain mercy to sustain us throughout the challenging seasons of living.

Lord, we build this moment of prayer into our day, aware of our need of You. Be for our lawmakers their shelter in the time of storm. Lord, prepare them to meet whatever difficulties that may lurk in life's shadows, as they seek to cultivate an experiential relationship with You. Give them the wisdom to persevere through tough times and never, ever give up.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 3, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, if any, the Senate will resume consideration of the National Defense Authorization Act. The filing deadline for second-degree amendments is 4 o'clock today.

At 5 p.m., the Senate will proceed to executive session to consider the nomination of Paul William Grimm to be United States District Judge for the District of Maryland. At 5:30 p.m., there will be two rollcall votes: first on confirmation of the Grimm nomination, and then on the motion to invoke cloture on S. 3254, the Defense bill I just spoke about.

Mr. President, significant progress has been made on this legislation. The two managers of the bill, as I indicated, know how this place works, and they worked extremely hard to clear a lot of amendments. We soon will be approaching 100 amendments that have been dealt with in this legislation. In fact, for all I know, they could have already done it since this morning, so I think we have made great progress. I know there is more progress that can be made by their continuing to work on this.

NEGOTIATION

Mr. REID. Mr. President, before I came to Congress I was a lawyer. I tried lots of cases, more than 100 cases to juries. My greatest victories, though, weren't the cases that we spent in a courtroom and worked on in a courtroom. My greatest victories were the cases that never saw the inside of a courtroom.

As English poet George Herbert said, ''A lean compromise is better than a fat lawsuit,'' and that is true. It is always better to settle than to fight. I have done my fair share over the years of negotiating, both as a lawyer and as a Senator and as a Member of the House. I have a bit of negotiating advice for Republican leaders: You are doing it wrong. Generally during a negotiation, each side brings an offer or demand to the table. That is how it has always worked. Then the two sides sit down and find middle ground. It is not always easy and it is rarely fun. True compromise means no one gets everything they want, but unless both sides come to the negotiating table with an offer, you can't even begin the negotiation. In fact, unless both sides come to the table with an offer, there is no negotiation.

Over the last week, Republican leaders from both Chambers have complained that Democrats put forward a proposal for resolving the fiscal cliff that reflected our priorities—our priorities. What did they expect?

Our proposal is simple. We want to end unnecessary tax breaks for the richest of the rich and provide security for everyone making less than $250,000 a year. No one should be surprised at President Obama's offer. It is exactly what he has said he supports time and time again. For months now, it is what I have said I support. I have said it time and time again. It is what Democratic Senators campaigned on across the country this election cycle. This plan would protect 98 percent of American families and 97 percent of small

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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businesses from tax increases. It also passed the Senate 4 months ago, and it has the support of the American people. The vast majority of Americans—Independents, Democrats, and even more than 40 percent of Republicans—supports this.

I wish I could share with you the details of the Republicans' answering proposal, but there hasn't been one. They haven't produced a single proposal.

We are not doing their homework for them. It is the Republicans' responsibility to respond with a counteroffer—not a hint dropped during, perhaps, an interview with the Washington Post, the New York Times or even the Wall Street Journal or a Sunday talk show but a real modified offer. President Obama has told Republicans and the world where he stands. The sooner the Republicans make a legitimate offer, the sooner we can all start working to find middle ground.

So let me remind my Republican colleagues that as we work toward a final agreement, millions of middle-class families are nervously watching and waiting. For 4 months Republicans have held them hostage to protect the richest 2 percent of taxpayers. Reasonable rank-and-file Republicans are urging their leadership to stop delaying Senate-passed legislation that would give millions of middle-class families making less than $250,000 the certainty that their taxes won't go up by about $2,200 on January 1.

It will be hard for Speaker BOEHNER to pass our bill—no, it wouldn't be hard at all; it would be so easy. Every Democrat in the House will vote for it—every Democrat in the House. To reach 218 votes, which is half plus 1 in the House, it takes only 26 reasonable Republicans willing to put the needs of the middle-class demands ahead of Grover Norquist. That is so simple.

So when my friend, the Speaker, says he can't pass it, that is simply without foundation or fact, and it is not true.

As my friend and colleague, the senior Senator from Missouri, CLAIRE MCCASKILL, said on a Sunday talk show yesterday, JOHN BOEHNER has a decision to make. This is what she said: ''He's got to decide, is his speakership more important or is the country more important.'' That is a pretty easy question to answer for everyone. It should be an easy question to answer for Speaker BOEHNER.

As we continue to hope for a balanced agreement that will safeguard the economy, I hope Speaker BOEHNER ends the suspense for millions of American families and does it soon.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the majority leader while he is still here on the floor for the support he has given to Senator MCCAIN and myself and all of us who are working so hard to get a Defense authorization bill passed for the 52nd straight time, I believe. We haven't missed a year in 51, and I think this will be the 51st and 52nd.

I want to thank Senator MCCAIN and his staff and all of my staff for the extraordinarily hard work they have put in on the bill, both in committee and here on the floor. I thank all of my colleagues for the cooperation which has been shown to allow us to dispose of somewhere now in the area of 100 amendments.

There will be even more amendments that can be cleared this afternoon. We, I believe, have a package that is ready, or almost ready, of amendments. I believe that after that, this afternoon there could be a second package of amendments which has been cleared for action by the body.

We will be here this afternoon. I haven't had a chance to talk yet with Senator MCCAIN today, but I am sure it is his plan, as it is mine, to be here with our staffs this afternoon to work with colleagues to see if we can't clear additional amendments.

The cloture vote is scheduled. There has been more than adequate time. I want to thank the leader, again, for giving this time. We are now into our fourth day where we are able to address the issues on this bill.

I hope cloture will pass this afternoon when the vote is taken, and that early tomorrow, since I am hopeful there won't be a need for postcloture time, we can perhaps adopt even a third package of cleared amendments tomorrow morning at some point, and then move to final passage at some time as determined by the leader, of course.

I want to again urge colleagues who have amendments that we have been working on to keep working with our staffs so we can hopefully clear as many amendments as possible prior to cloture. I think that would be beneficial to all of us. We have worked together well as a body.

There have been a number of accommodations which have been made by many of our colleagues to each other and to us as managers which has made it possible for us to have a smooth passage at least until this point.

With that, again, I give thanks to my ranking member.

I yield the floor.

Mr. MCCAIN. I want to thank Senator LEVIN and also the majority leader for giving us this time. Also I am in agreement that the time has come for cloture to be invoked, unfortunately. The total time of debate for this bill up to now has been 27 hours of debate and 371 amendments have been filed. We have disposed of 94 amendments, some by voice vote, some by rollcall vote.

Of those amendments, many of them were offered by members of the committee, but a majority of them were offered by nonmembers of the Senate Armed Services Committee. So I think we have had a very inclusive and interesting debate and voting.

I tell my friend Senator LEVIN, I have just been informed that the Senator from Kentucky has objected, voiced an objection to taking up any further unanimous consent agreements or votes. That means that there will be many amendments which have been approved by both sides which will now not be allowed to be offered or acted upon. It also means that if cloture is invoked, and I anticipate that cloture will be invoked—I understand that will be the second vote we have today—a number of those amendments that are nongermane, which we have cleared and would have been passed, will now be put aside.

I will have a reading of a number of those amendments. There are 15 to 16 amendments that we would be ready shortly to approve. I am not exactly sure how many of them are nongermane in nature, which will fall when cloture is invoked.

All I can say to my friend the chairman is that, again, I find it disappointing that one Member of the Senate feels his particular agenda is so important that it affects the lives, the readiness, and the capabilities of the men and women who are serving in the military and our ability to defend this Nation. I think it is hard to answer to the men and women in the military with this kind of behavior, but I will leave that up to the Senator from Kentucky to do so.

In the meantime, I guess postcloture, we will continue with the legislation and try to get it completed. I have some guarded optimism that we may be able to do so.

Mr. Chairman, I again apologize for what seems to have happened. Much to my dismay, it lends some credence to the argument that maybe we ought not to do business the way we are doing here in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, let me tell my dear friend from Arizona that I am sorry to hear about that objection that apparently is going to be placed against the unanimous consent agreement to adopt amendments which had been cleared by both sides. But perhaps during the afternoon we could hear from the Senator from Kentucky. Perhaps he can come over and talk to us about what the problem is. But in the meantime, we are going to continue to try to line up cleared amendments in the chance he will relent from his position.

Sometimes with these packages, when they are put together and someone says they object at the last minute, that objection can be addressed in some way or another. So I hope our staffs will continue to try to find ways to clear amendments—subject, of course, to there being an objection. If there is an objection, then that, of course, given the fact that we are late in the day here now and having a cloture vote late this afternoon, would be able to thwart the will of the rest of the body.

But I hope the Senator from Kentucky can personally come over and let us know what the problem is. Perhaps my friend from Arizona knows what it is, but I don't. I would like to get involved in it.

I yield.

Mr. MCCAIN. In the meantime, I would ask my friend if he agrees that colleagues with amendments they would like to debate or wish to come and talk about them—we are certainly open to that.

Mr. LEVIN. The floor is open.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I will proceed under my leader time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

RULES CHANGES

Mr. MCCONNELL. Mr. President, we have been discussing the plans of the Democratic majority to repudiate its clear commitment to respect the rights of the minority, which is a hallmark of the Senate, and instead to break the rules to change the rules. That is how my friend from Nevada repeatedly described it when Republicans were considering doing something similar several years ago. Of course, Republicans never did break the rules to change the rules, but Democrats are contemplating doing so in the name of ''efficiency.''

Last week I noted how my Democratic colleagues seek to minimize this major change in how the Senate governs itself by calling this heavyhanded power play ''tiny'' and a ''minor change'' and adjusting the Senate rules just ''a little bit.'' But this eleventh-hour rhetoric stands in stark contrast to what they have previously said and what they have systematically done.

My friend the majority leader told one of my new Members, in essence, that even if this new so-called ''tiny'' rules change removed all chance that this new Member would have any recourse to get an amendment to a bill, that new Member could simply ''vote against the bill.'' And my friend told Senator MCCAIN this fall that ''the amendment days are over'' in the Senate. That was the majority leader to Senator MCCAIN earlier this year.

But, of course, it is much more than what has been said that is at issue, it is what the Democratic leadership has systematically done to marginalize the voice of the minority. As I noted, it has used, to an unprecedented extent, Senate rule XIV. This rule allows the majority to bypass committees and write bills behind closed doors—doing so, of course, to deprive all of us, Republicans and Democrats, of the chance to have their committee work matter.

According to the Congressional Research Service, the majority has used this rule to bypass committees nearly 70 times. When Republicans were last in the majority under Senator Frist, we used that rule less than half as often—only 30 times. And when a bill that has bypassed committee goes straight to the floor, under the current majority there often isn't an opportunity to participate there either. Again, according to the Congressional Research Service, the current Democratic leadership has blocked Senators from both sides of the aisle from offering amendments on the floor 68 times—68 times. No amendments at all. This is 70 percent greater than the number of times the six prior majority leaders combined—combined—shut their colleagues out of the amendment process.

Now, the majority leader dismissed this unprecedented practice, saying it ''has no bearing on what is going on around here.'' Well, maybe it doesn't to him, but he is the only one who, under this unprecedented amendment blockage, is picking amendments. It is a little bit bigger deal to the other 99 of us who are shut out from representing our constituents by having our ability to offer any amendments on their behalf blocked.

By the way, that is not how the majority leader viewed this practice when he was in the minority. When Senator Frist, as majority leader, blocked his colleagues from offering amendments a relatively modest 15 times in 4 years—15 times in 4 years—my friend from Nevada said it was ''a bad way to run the Senate'' and a ''very bad practice'' and it ran ''against the basic nature of the Senate.'' That is when Senator Frist did it 15 times over 4 years. This majority leader has done it nearly 70 times in his tenure. What would be a fair way to describe that record?

But the current Democratic leadership hasn't been content to stop there in marginalizing the minority. They have prevented the minority from offering amendments in committee, they have prevented them from offering amendments on the floor before cloture, and then they changed Senate procedure with a heavyhanded majoritarian motion to stop the minority from offering motions after cloture was invoked. Since such motions to suspend the rules require 67 votes to be successful, I gather that having even to deal with such motions interfered with ''efficiency,'' as did allowing bills to be marked up in committee, as did allowing Senators of both parties to have amendments on the floor. So our Democratic colleagues have shut out the minority there too.

But even that is not enough. Now the same Democratic leadership wants to take away the right to extend a debate on motions to proceed to a measure. Throughout its history, the unique role of the Senate has been to protect the voice of the minority, expressed through the equal rights of all Senators to debate and amend legislation. This has stood in contrast with the House of Representatives, where a simple majority rules. So it should be startling—literally startling—to every Senator and to the people who elected us to represent them to look at the facts.

How does the Senate compare with the House of Representatives? This is something we have not discussed before in this debate. How does the Senate compare with the House of Representatives? At the same time the current Senate majority is finding every way it can to marginalize the minority, the majority in the House is moving in the opposite direction—in exactly the opposite direction.

The Wall Street Journal reported last year that the majority in the House was ''giving lawmakers more opportunity to amend bills on the floor'' and that ''even some Democrats acknowledged that the GOP leaders have done a better job than their predecessors.'' According to the article, last year the House held more votes on amendments on the floor than the two previous years combined when congressional Democrats were in the majority. How does that compare to the Senate? According to the Congressional Research Service, this year the majority in the House has given the minority in the House 214 occasions to affect legislation on the House floor through amendments and motions to commit or recommit. That is what they have done in the House this year. By contrast, the majority in the Senate has only allowed the minority in the Senate 67 occasions to affect legislation on the Senate floor in the same way.

So listen to this, Mr. President. This is astonishing. The minority in the House has had more than three times

the opportunity to express its views and to represent its constituents than the minority in the Senate. The minority in the House has had more than three times as many opportunities to record its views than the minority in the Senate. It appears that in terms of respect for minority rights and the constituents the minority represents, the House is becoming more like the Senate and, unfortunately, the Senate is becoming more like the House.

Now, it doesn't have to be this way in the Senate, of course. Senators LEVIN and MCCAIN are reminding those of us who have been here a while and showing those who haven't that it is possible for the Senate to actually legislate. We are in the process of doing that right now.

Despite the fact that the Senate has devoted much less floor time to the Defense authorization bill than is historically the practice and many fewer amendments than are historically the practice, the majority is allowing amendments to receive votes and the minority, for our part, is not insisting that we get to vote on every single amendment we want. We need to get back to conducting business that way again, and the majority leader and I need to discuss how to achieve that.

But what the Democratic majority must not do is change the Senate by using a bare majority to ram through a rules change as if this were the House. Such a rules change will not do them any good in the short term—the House is in the hands of the Republicans. But it will do the institution irreparable damage in the long term and will establish precedent in the Senate for breaking the rules to change the rules that our Democratic colleagues will have to endure when they are in the minority again, which will certainly happen.

We should work together, instead, to resolve our differences. As I said last week, that is what the Standing Rules of the Senate anticipate and that has been how changes to the Senate rules have occurred in our history.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when 5 minutes remains?

The ACTING PRESIDENT pro tempore. Certainly. The Senator is recognized.

THE FILIBUSTER

Mr. ALEXANDER. Mr. President, I want to speak this afternoon about the Senate as an institution; about its majority leader, Senator REID, who is my friend; about various conversations we have been having in the Senate and discussions about what the majority leader has said about how the Senate should operate. I know the majority leader cares about this institution. I believe it. He has said it. He shows it. He has one of the most difficult jobs anybody could possibly have.

One time he told me: My job is to make everybody mad. In many ways it is, when you have a body of 100 that operates by unanimous consent and every one of us is equal. It is a very difficult job to be the minority leader, which the Republican leader is today. It is a more difficult job to be the majority leader.

I emphasize this because I know Senator REID cares about this institution, and I know Senator REID does not want to go down in history as the man who ended the Senate. But if he persists in doing what he says he will do—which is to break the rules of the Senate to change the filibuster rules—that will be his legacy. He will go down in history as the Senator who ended the Senate.

You might say: Senator ALEXANDER, that is a very serious charge to make about a majority leader whom you know and respect and who you just said cares about this institution. It is a serious charge to make. The only reason I would say it is because Senator REID said it himself.

Shortly after I came to the Senate, in 2005, we Republicans, including this Senator, were very upset about what we believed were unfair efforts by Democrats to keep President Bush from securing an up-or-down vote on his judicial nominees. We were in the majority, we Republicans. We had a Republican President of the United States. We believed that attacks on the President's nominees were extraordinarily unfair, and the other side was using the rules of the Senate to prevent an up-or-down vote. They were filibustering President Bush's nominees.

We could not change their minds, so a number of Senators persuaded Senator Frist, my colleague from Tennessee who was then the majority leader, that we should then change the filibuster rules in order to get an up-or-down vote on the judges. We knew our goal was right, so we were going to, if we had to, break the rules to change the rules.

As you might guess, the minority, the Democrats at the time, erupted in indignation. They said this has not been done in the 240 or 250 years of the Senate. They pointed out the differences between the Senate and the House of Representatives. Almost every distinguished Member of the Democratic side of the Senate—the majority leader; Senator BIDEN, now the Vice President of the United States; Senator Obama, now the President of the United States; Senator Clinton, now the Secretary of State of the United States—denounced this evil Republican plan to change the rules of the Senate, to in effect break the rules of the Senate—because the rule says we can only change the rules with 67 votes—in order to change the filibuster rule.

Here is what the majority leader said in his book, ''The Good Fight.''

> The storm had been gathering all year and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the majority leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations. And once you opened that Pandora's box it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

That is Senator REID when he was the minority leader of the Senate.

Today another storm is gathering, and the shoes are reversed. The majority leader is the one who wants to invoke what he then called the nuclear option. That was the Democrats' name for what the Republicans were trying to do, and we are the ones who are saying: Please don't do that; stop and think about this; this is not what you want to do to the Senate.

People who are listening might say: Wait a minute. This filibuster business has gotten out of hand. What is wrong with having a majority vote in the Senate? Don't we learn in the first grade—at least we did in Maryville, TN—if we have an election for the class president everyone raises their hands and whoever gets the majority wins. That is the American way.

That is the American way except it is not the way of the Senate from the beginning of our country. We had a Frenchman who wandered through this country in the 1830s, a young man called de Tocqueville. He wrote a book called ''Democracy In America,'' which is still the finest exposition of our democracy that we have because it was an outsider's look at us. He saw two great dangers to the United States at the time. One was Russia. He was prescient about that. But the second was what he called the tyranny of the majority—that in a great, big, complicated country like this that somehow the majority, in its passions and suddenness and enthusiasm, would run over the minorities. Somehow he must have known we would be a nation filled with minorities; that we would be almost a minority nation, and somehow those minorities needed protection.

What has happened over all those years is that the Senate has stood, as Senator Byrd used to say, as the necessary fence that protected minorities in America from the tyranny of the majority. That is why we have a Senate, so if a freight train runs through the House it cannot run through here.

It has to slow down and stop and we have to think about it.

That is why we have a tradition in the Senate of unlimited amendment and unlimited debate on any subject until 60 of us decide that is enough—which is what we are about to do with the Defense authorization bill. We have had, under the leadership of Senator MCCAIN and Senator LEVIN, the chairman—and I give Senator REID great credit for this as well—I think it is 90 amendments that have been dealt with. We will have a cloture vote tomorrow. It will probably pass. I will vote for it. That means it is time to end the debate, time to limit the discussion and come to a conclusion. That is the way the Senate is supposed to work.

Here is an image of the difference between the House and the Senate. Most of us know of the work of Robert Caro, who has written the book on Lyndon Johnson. When I first came to the Senate 10 years ago I read that first chapter in Caro's book, the chapter called ''The Desks Of The Senate.'' I imagine the Presiding Officer has had a chance to read that as well. I still say to new Senators or anybody else interested in this body, if they really want to understand the Senate, read Robert Caro's chapter ''The Desks Of The Senate.''

He talked about all these desks and how after an election—just as they will this time—they move two from over here to over there because Democrats won a couple of seats, and that is the way this works. This is the image of the Senate where everybody is equal, and it takes 60 to get a result. The idea is unlimited debate and consideration to protect the minority. It also reminds us that the people who are out of the majority right now may not be out tomorrow.

What is the image of the House? The image of the House is that all legislation goes to the House Rules Committee. I have been there. DAVID DREIER took me there. He is the chairman of the House Rules Committee. It is an ornate office. Every piece of legislation in the House has to go through the Rules Committee. Republicans have a narrow majority in the House of Representatives but, guess what, the composition of the Rules Committee is eight Republicans, four Democrats. What if the Democrats gained a one-vote majority in the House? Eight Democrats and four Republicans.

What would happen is any piece of legislation the majority wants to push would run through the House like a freight train. That is not what the U.S. Senate is about. That is why Senator Dodd, in his farewell address, said to those who have never been the minority in the Senate, please be careful before changing these filibuster rules.

In January, we will have 30 Democratic Members of the U.S. Senate who have never been in the minority. They have not had a chance to experience what some of us have had a chance to experience. While I have not been in the Senate all that long by Senate standards—I have been here 10 years—I have watched the Senate for a long time. I first came here in 1967 as a legislative aide to Howard Baker. Everett Dirksen was the Republican leader and Mike Mansfield was the Democratic leader. The Senate has never worked perfectly. Every majority and minority leader will say that.

In the 1960s it was Senator Williams from Delaware who would object and slow down things. In the 1970s it was Senator Allen from Alabama. He would tie up the Senate in complete knots. Because of the individual rights a Senator has, it was just one Senator. In the 1980s it was Senator Metzenbaum. He held up my own nomination to be U.S. Education Secretary for 3 or 4 months, and there was nothing I could do about it. I thought that was very unfair, but it was part of this process whereby a Senator can slow down things.

How do leaders respond to that? Well, in 2005 I was as angry as anyone about the Bush judges who were not getting an up-or-down vote, but I did not think it was right to break or change the rules of the U.S. Senate. I didn't want to turn the Senate into the House of Representatives.

I made two speeches on the floor and suggested what became, in effect, the Gang of 14. I didn't participate in the gang because my colleague Senator Frist was the Republican leader, and out of respect to him I didn't want to undermine him. Fourteen Senators, including Senator PRYOR and Senator MCCAIN on this side, got together and said we cannot let this happen. They met and worked and agreed they would not change the rules and would not filibuster. So when that happened, that meant there could not be a change of the rules by the Republicans and there could not be a filibuster by the Democrats if these 14 Senators agreed with one another. They then created a compromise solution which is where we are today.

There have been other ways that leaders have responded. During the Panama Canal debates in 1978 and 1979, I believe Senator Byrd and Senator Baker were the leaders. I believe Senator Byrd was the majority leader. The opponents of the Panama Canal—and this was a time when the Panama Canal was very unpopular with a lot of people. According to Senator Byrd, opponents centered their efforts of winning approval of killer amendments. We all know what those are. I believe one of the main reasons the majority leader does not like bills to come to the floor is because he thinks some of the amendments offered by the minority are going to be unpleasant for Democrats, or even Republicans, to vote for. Well, my feeling about that is: Why would you join the Grand Ole Opry if you don't want to sing? We come here to debate, amend, and vote.

Here is what Senator Byrd said: Opponents centered their efforts on winning approval of killer amendments. I made it clear that only the leadership amendments and certain clarifying reservations and understandings would be acceptable. Opponents attempted to circumvent this strategy by offering amendments that were phrased in such a way that Senators would find them difficult to turn down.

At first glance many of the amendments seemed innocuous and pro-American. Had they succeeded, however, they would have effectively killed the treaty—this is Senator Byrd. In all 145 amendments, 26 reservations, 18 understandings, 3 declarations—for a total of 192 changes—were proposed. 88 of these were voted on. In the final analysis, nothing passed that was not acceptable to the joint leadership.

In other words, the joint leadership sat up there, let everybody vote, let them ventilate, have their say, do their job, and then they defeated them. They either tabled their amendment or they beat them. That is what they were able to do. That is very different from way we are operating today, and that is the way I respectfully suggest we should operate.

In the 1980s—and I mentioned it was never perfect—during the Byrd-Baker era, basically the leaders would put a bill on the floor. If it was a bill like the one we are currently considering—the Defense authorization bill—and it had the support of the chairman and ranking minority member, they would simply open the bill for amendments. They might get 300 amendments. They would then ask for unanimous consent to close off amendments and, of course, they would get it because if anybody objected, they would tell them to throw their amendment in there and then they would start voting.

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. ALEXANDER. For example, during the Panama Canal debate, they would table a lot and vote a lot. They would stay up on Monday, Tuesday, Wednesday, and Thursday nights. Pretty soon Senators would be thinking about going home or seeing their grandchildren or maybe their amendment was not so important and their bill would either be passed or defeated, but everybody went home thinking: I have had a chance to be a U.S. Senator. I may be in the minority, I may be in the majority, but I have given voice to the feelings of the people of my State which is what I was elected to do.

So is the filibuster rule a problem? No, the filibuster rule is not the problem. The problem is if I come down to the floor with an amendment, the majority leader uses a procedural motion to cut me off and I don't get to vote on it. I don't get to talk about it and I don't get to vote on it.

To his great credit, he is not doing that with the Defense authorization bill. He did not do that with the postal reform bill. There have been a number of other bills this year that proved the Senate can work. There is even an

amendment by the Senator from Kentucky that Members of both sides did not want to vote on. It had to do with cutting off aid to three Middle Eastern countries. The administration did not want to vote, but we finally voted and what happened? We had a huge, great debate. Many Senators spoke their feelings, and in the end the vote was 81–10 and the amendment failed. It did not do any damage to anybody. In fact, it made the Senate look more like what it should be.

The filibuster is and has been democracy's greatest show: the right to talk your head off. We need to get back to the situation where we have committee bills like the Defense authorization bill where we bring them to the floor and the majority leader asks for amendments. Let us all put our amendments in and let us start voting. Let's get back to the time where the majority leader and the minority leader, or the committee chairman and the ranking member, have a product they are invested in and they work together to keep it intact. If they do that, they usually defeat Republican amendments or Democratic amendments, or occasionally an amendment will come along that has so much support that it seems like an improvement to the bill, and it is adopted.

My purpose today is not to make a hard job harder. I said at the beginning the majority leader has the toughest job in town and maybe one of the toughest in the country. My hope is that maybe if he has a few minutes tonight, he would go back home and reread his own book. He and I agreed at that time that that would be a bad result. And remember the words he said in 2005 about the value of the filibuster, the value of having a body that protected the minority rights and how damaging it would be to make the Senate like the House.

I hope the majority leader and the Republican leader could quietly meet and talk this through. Senator SCHUMER and I and many others spent a lot of time on this 2 years ago. It took 6 months and we thought we had an agreement, but somehow it broke down. There is no reason it should break down. We can operate the Senate under the rules we have. We can get bills through committee. We can get them to the floor. We can let anybody have an amendment and we can talk about it, vote on it, and pass it or defeat it. That is what we should be doing.

I know the majority leader cares about this institution. I know he cares about it deeply. He spent his life here devoted to it. I know he is responding to a variety of suggestions from Members of his caucus as to what is best to do. I think it is the responsibility of the leaders of both sides and people who have seen this body for a while to remind everyone, particularly those who have never been in the minority, that this is a body to protect the minority. Any of us can be in the minority at some time. I know he does not want to destroy the U.S. Senate, but in his words: If we change the filibuster rule, it would be the end of the United States Senate. I don't want that to happen. I don't want that to be the majority leader's legacy, and I don't believe he wants that. I, as one Senator, am willing to encourage the Republican leader and the majority leader to work together, solve this problem, and get our attention focused back on the big problem facing our country, which is how to get a budget agreement that gets our economy moving again.

Mr. President, I ask unanimous consent to put into the RECORD a few articles: a excerpt from the majority leader's book, an article from The Hill by Martin Paone—who used to work here and makes the points I have been making—an article by Richard Arenberg, who worked on Senate and House staffs for 30 or 40 years. We find that people who have worked in the Senate and leave it, whether they are Republicans or Democrats, seem to have the same view.

I wish also to put in Senator Byrd's statement which he made during his last appearance before the Senate Rules Committee before he died. I was there and he urged us not to break down this fence. His comments go hand in hand with those of Senator Chris Dodd's final address to the Senate on November 30, 2010. And finally, I include a copy of an address I gave at the Heritage Foundation on this subject 2 years ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NUCLEAR OPTION

Peaceable and productive are not two words I would use to describe Washington in 2005.

I just couldn't believe that Bill Frist was going to do this.

The storm had been gathering all year and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the Majority Leader, bad decided to pursue a rules change that would kill the filibuster for judicial nominations. And once you opened that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

It is the genius of the founders that they conceived the Senate as a solution to the small state/big state problem. And central to that solution was the protection of the rights of the minority. A filibuster is the minority's way of not allowing the majority to shut off debate, and without robust debate, the Senate is crippled. Such a move would transform the body into an institution that looked just like the House of Representatives, where everything passes with a simple majority. And it would tamper dangerously with the Senate's advise-and-consent function as enshrined in the Constitution. If even the most controversial nominee could simply be rubber-stamped by a simple majority, advise-and-consent would be gutted. Trent Lott of Mississippi knew what he was talking about when he coined a name for what they were doing: the nuclear option.

And that was their point. They knew—Lott knew—if they trifled with the basic framework of the Senate like that it would be nuclear. They knew that it would be a very radical thing to do, They knew that it would shut the Senate down. United States senators can be a self-regarding bunch sometimes, and I include myself in that description, but there will come a time when we will all be gone, and the institutions that we now serve will be run by men and women not yet living, and those institutions will either function well because we've taken care with them, or they will be in disarray and someone else's problem to solve. Well, because the Republicans couldn't get their way getting some radical judges confirmed to the federal bench, they were threatening to change the Senate so fundamentally that it would never be the same again. In a fit of partisan fury they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven senators. The Republicans were going to do it illegally with a simple majority, or fifty-one, Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Given that the filibuster is a perfectly reasonable tool to effect, compromise, we had been resorting to the filibuster on a few judges. And that's just the way it was. For 230 years, the U.S. Senate had been known as the world's greatest deliberative body—not always efficient, but ultimately effective.

[From The Hill, May 14, 2012]

SENATE RULE CHANGES COME WITH RISK

(By Martin P. Paone)

It's an election year, and the Senate can't agree on how to keep the student loan interest rate from doubling on July 1 from 3.4 percent to 6.8. While both sides agree that it should be done, how to pay for it is the stumbling block. A party-line cloture vote failure has once again brought calls for changing the Senate's rules by majority vote at the beginning of the next Congress, bypassing the two-thirds cloture requirement if there's opposition.

The Senate's membership has changed considerably in the last decade, but the Senate rules, with the exception of some changes that were enacted in the Ethics in Government Act, have not undergone any major changes since the Senate went on TV in 1986. While the House has its Rules Committee, which allows the majority to exert its will and control the flow of legislation, the Senate has a tradition of protecting the rights of the minority and of unfettered debate. Its own website describes ''[t]he legislative process on the Senate floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for senators to forgo some of these rights in order to expedite business.''

The Senate has for centuries functioned by this compact of selectively forgoing one's rights, but now that compact, to some, seems to have broken down—hence the call to enact rules changes at the beginning of the next Congress by majority vote. These calls have come from Democrats, but they are quick to admit that it should apply regardless of who is in the majority at the time.

Such changes can certainly quicken the process and allow for the majority to pass legislation and confirm presidential nominees with little hindrance. While the initial rules reforms will probably be limited to restricting debate on a motion to proceed and other less dramatic changes, eventually such majority rules changes at the beginning of a Congress will result in a majority-controlled body similar to the House. Once the Pandora's Box of granting the majority the unfettered ability to change the rules every

two years has been opened, having seen how the current situation has escalated, tit for tat over the last 30 years, it is difficult to believe that strict majority rule would not be the ultimate result. Thereafter, a member of the minority in the Senate will be just as impotent as his or her House counterparts.

Filibusters and the forcing of a cloture vote have been repeatedly used to stop legislation and nominations and to waste time. This is why the number of successful cloture votes, many on noncontroversial nominations and on motions to proceed to bills, has gone up dramatically in recent years. By requiring the cloture vote and then voting for it, the minority has been able to waste considerable time and thus reduce the amount of time available to act on other items of the president's agenda.

The call for changing the Senate's rules by majority vote at the beginning of a Congress is not new; it was attempted without success in 1953 and 1957 and in 1959. When faced with such an effort, then-Majority Leader Lyndon Johnson negotiated a cloture change back down two-thirds of those present and voting, but as part of the compromise he had to add Paragraph 2 to Senate Rule V, which states ''The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.''

So is it time to ignore the existing rules and change them at the beginning of the next Congress by a majority vote? Perhaps it is time—so many other changes have occurred in our lives in the recent past, why shouldn't the Senate change the way it does business? However, should that occur, one must be prepared to live with the eventual outcome of a Senate where the majority rules and the rights of the minority have been severely curtailed.

While I can sympathize with those demanding such changes, it's the manner of their implementation that keeps reminding me of the exchange between Sir Thomas Moore and his son-in-law, William Roper, in the movie ''A Man For All Seasons'':

Roper: ''So, now you give the devil the benefit of law!''

Moore: ''Yes! What would you do? Cut a great road through the law to get after the devil?'' Roper: ''Yes, I'd cut down every law in England to do that!''

Moore: ''Oh? And when the last law was down, and the devil turned 'round on you, where would you hide, Roper, the laws all being flat? . . . Yes, I'd give the devil benefit of law, for my own safety's sake!''

[From the Washington Post, Nov. 14, 2012]

FILIBUSTER REFORM: AVOID THE 'NUCLEAR OPTION'

(By Richard A. Arenberg)

Richard A. Arenberg, who worked on Senate and House staffs for 34 years, is co-author of ''Defending the Filibuster: The Soul of the Senate.'' He is an adjunct professor at Brown University, Northeastern University and Suffolk University.

Majority Leader Harry Reid, frustrated by abuse of the filibuster, has vowed to change the Senate's rule on the first day of the new Congress.

If he chooses to invoke the ''constitutional option''—the assertion that the Senate can, on the first day of a session, change its rules by a majority vote—he will be heading down a slippery slope that the current president of the Senate, Vice President Biden, once excoriated as an abuse of power by a majority party.

The argument over the constitutional option is more than 200 years old. The Senate has consistently held that it is a continuing body since at least two-thirds of its members are always in office. That's why it uses a rule book written in 1789 by the first Senate and does not adopt rules on the first day of a new Congress, as the House of Representatives does. To underscore the point, the Senate adopted in 1965 Rule V, which states, ''The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.''

Senate Rule XXII requires a two-thirds vote to end a filibuster against a rules change. This means that changing Senate rules must be a bipartisan matter. The danger is that the majority party will attempt to use the ''constitutional option'' and ignore the Senate's rules. Republicans threatened this in 2005 when Democrats were filibustering 10 of President George W. Bush's judicial nominations. Because Democrats vowed to respond by bringing the Senate to a near-halt, the tactic was widely referred to as the ''nuclear option.''

The ''constitutional option'' could be accomplished in January (or, really, any time) if the Senate's presiding officer decides to ignore the rules and the advice of the parliamentarian—which presiding officers usually rely upon—and declares that debate can be ended by majority vote. Republicans would appeal, but if 51 Democrats hold the line they can table the appeal, which would allow the ruling to stand as the new precedent of the Senate.

No one should be fooled. Once the majority can change the rules by majority vote, the Senate will soon be like the House, where the majority doesn't consult the minority but simply controls the process. Gone would be the Senate's historic protection of the minority's right to speak and amend. In the House, the majority tightly controls which bills will be considered; what amendments, if any, will be in order; how much time is allotted for debate; and when and under what rules votes occur. Often, no amendments are permitted.

Since the Senate's presiding officer is likely to be the vice president, it is instructive to remember what Biden said about this ploy from the floor of the Senate in 2005:

''This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power grab by the majority party . . . to eliminate one of the procedural mechanisms designed for the express purpose of guaranteeing individual rights and they also, as a consequence, would undermine the protections of the minority point of view. . . .

''[Q]uite frankly it's the ultimate act of unfairness to alter the unique responsibility of the United States Senate and to do so by breaking the very rules of the United States Senate. . . . But the Senate is not meant to be a place of pure majoritarianism. . . . At its core, . . . the filibuster is not about stopping a nominee or a bill. It's about compromise and moderation.''

He went on to call the constitutional option ''a lie about the rule.''

Reid said at the time, ''If there were ever an example of an abuse of power, this is it. The filibuster is the last check we have against the abuse of power in Washington.''

In 2005, crisis was averted by the bipartisan ''Gang of 14'' senators who forged a compromise. Perhaps it's time for a new gang. Five of the original 14 will be in the 113th Congress. They would no doubt be joined by others of both parties. A critical mass of senators who revere the institution can arrive at a bipartisan approach, reshaping the filibuster rule while retaining it as a protection for minority rights.

In recent days President Obama and the leaders of the House and Senate have called for bipartisan cooperation. Imposing rules changes by partisan fiat would be just the opposite and would destroy the fabric of the Senate. Now is a good time for a new gang of senators to rise above partisan bickering and negotiate changes based on what's best for the Senate and our democracy, not just what's best for the majority.

STATEMENT OF SENATOR ROBERT C. BYRD (D–W.VA.), SENATE RULES AND ADMINISTRATION COMMITTEE, MAY 19, 2010

''THE FILIBUSTER AND ITS CONSEQUENCES''

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, ''I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed.''

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened.

In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were ''first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led. . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.'' That ''fence'' was the United States Senate.

The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith.

I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay.

There are many suggestions as to what we should do. I know what we must not do.

We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.

The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threat or a bluff. For most of the Senate's history, Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the ''world's greatest deliberative body'' to a grinding halt. Why?

Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media.

Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker

Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning.

Now every Senator spends hours every day, throughout the year and every year, raising funds for re-election and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

THE FILIBUSTER: ''DEMOCRACY'S FINEST SHOW . . . THE RIGHT TO TALK YOUR HEAD OFF''

(Address by Senator Lamar Alexander, Heritage Foundation, Jan. 4, 2011)

Voters who turned out in November are going to be pretty disappointed when they learn the first thing some Democrats want to do is cut off the right of the people they elected to make their voices heard on the floor of the U.S. Senate.

In the November elections, voters showed that they remember the passage of the health care law on Christmas Eve, 2009: midnight sessions, voting in the midst of a snow storm, back room deals, little time to read, amend or debate the bill, passage by a straight party line vote.

It was how it was done as much as what was done that angered the American people. Minority voices were silenced. Those who didn't like it were told, ''You can read it after you pass it.'' The majority's attitude was, ''We won the election. We'll write the bill. We don't need your votes.''

And of course the result was a law that a majority of voters consider to be an historic mistake and the beginning of an immediate effort to repeal and replace it.

Voters remembered all this in November, but only 6 weeks later Democratic senators seemed to have forgotten it. I say this because on December 18, every returning Democratic senator sent Senator Reid a letter asking him to ''take steps to bring [Republican] abuses of our rules to an end.''

When the United States Senate convenes tomorrow, some have threatened to try to change the rules so it would be easier to do with every piece of legislation what they did with the health care bill: ram it through on a partisan vote, with little debate, amendment, or committee consideration, and without listening to minority voices.

The brazenness of this proposed action is that Democrats are proposing to use the very tactics that in the past almost every Democratic leader has denounced, including President Obama and Vice President Biden, who has said that it is ''a naked power grab'' and destructive of the Senate as a protector of minority rights.

The Democratic proposal would allow the Senate to change its rules with only 51 votes, ending the historical practice of allowing any senator at any time to offer any amendment until sixty senators decide it is time to end debate.

As Investor's Business Daily wrote, ''The Senate Majority Leader has a plan to deal with Republican electoral success. When you lose the game, you simply change the rules. When you only have 53 votes, you lower the bar to 51.'' This is called election nullification.

Now there is no doubt the Senate has been reduced to a shadow of itself as the world's greatest deliberative body, a place which, as Sen. Arlen Specter said in his farewell address, has been distinctive because of ''the ability of any Senator to offer virtually any amendment at any time.''

But the demise of the Senate is not because Republicans seek to filibuster. The real obstructionists have been the Democratic majority which, for an unprecedented number of times, used their majority advantage to limit debate, not to allow amendments and to bypass the normal committee consideration of legislation.

To be specific, according to the Congressional Research Service:

1. the majority leader has used his power to cut off all amendments and debate 44 times—more than the last six majority leaders combined;

2. the majority leader has moved to shut down debate the same day measures are considered (same-day cloture) nearly three times more, on average, than the last six majority leaders;

3. the majority leader has set the record for bypassing the committee process, bringing a measure directly to the floor 43 times during the 110th and 111th Congresses.

Let's be clear what we mean when we say the word ''filibuster.'' Let's say the majority leader brings up the health care bill. I go down to the floor to offer an amendment and speak on it. The majority leader says ''no'' and cuts off my amendment. I object. He calls what I tried to do a filibuster. I call what he did cutting off my right to speak and amend which is what I was elected to do. So the problem is not a record number of filibusters; the problem is a record number of attempts to cut off amendments and debate so that minority voices across America cannot be heard on the floor of the Senate.

So the real ''party of no'' is the majority party that has been saying ''no'' to debate, and ''no'' to voting on amendments that minority members believe improve legislation and express the voices of the people they represent. In fact, the reason the majority leader can claim there have been so many filibusters is because he actually is counting as filibusters the number of times he filed cloture—or moved to cut off debate.

Instead of this power grab, as the new Congress begins, the goal should be to restore the Senate to its historic role where the voices of the people can be heard, rather than silenced, where their ideas can be offered as amendments, rather than suppressed, and where those amendments can be debated and voted upon rather than cut off.

To accomplish this, the Senate needs to change its behavior, not to change its rules. The majority and minority leaders have been in discussion on steps that might help accomplish this. I would like to discuss this afternoon why it is essential to our country that cooler heads prevail tomorrow when the Senate convenes.

One good example Democrats might follow is the one established by Republicans who gained control of both the Senate and House of Representatives in 1995. On the first day of the new Republican majority, Sen. Harkin proposed a rule change diluting the filibuster. Every single Republican senator voted against the change even though supporting it clearly would have provided at least a temporary advantage to the Republican agenda.

Here is why Republicans who were in the majority then, and Democrats who are in the majority today, should reject a similar rules change:

First, the proposal diminishes the rights of the minority. In his classic Democracy in America, Alexis de Tocqueville wrote that one of his two greatest fears for our young democracy was the ''tyranny of the majority,'' the possibility that a runaway majority might trample minority voices.

Second, diluting the right to debate and vote on amendments deprives the nation of a valuable forum for achieving consensus on difficult issues. The founders knew what they were doing when they created two very different houses in Congress. Senators have six-year terms, one-third elected every two years. The Senate operates largely by unanimous consent. There is the opportunity, unparalleled in any other legislative body in the world, to debate and amend until a consensus finally is reached. This procedure takes longer, but it usually produces a better result—and a result the country is more likely to accept. For example, after the Civil Rights Act of 1964 was enacted, by a bipartisan majority over a filibuster led by Sen. Russell of Georgia, Sen. Russell went home to Georgia and said that, though he had fought the legislation with everything he had, ''As long as it is there, it must be obeyed.'' Compare that to the instant repeal effort that was the result of jamming the health care law through in a partisan vote.

Third, such a brazen power grab by Democrats this year will surely guarantee a similar action by Republicans in two years if Republicans gain control of the Senate as many believe is likely to happen. We have seen this happen with Senate consideration of judges. Democrats began the practice of filibustering President Bush's judges even though they were well-qualified; now Democrats are unhappy because many Republicans regard that as a precedent and have threatened to do the same to President Obama's nominees. Those who want to create a freight train

running through the Senate today, as it does in the House, might think about whether they will want that freight train in two years if it is the Tea Party Express.

Finally, it is hard to see what partisan advantage Democrats gain from destroying the Senate as a forum for consensus and protection of minority rights since any legislation they jam through without bipartisan support will undoubtedly die in the Republican-controlled House during the next two years.

The reform the Senate needs is a change in its behavior, not a change in its rules. I have talked with many senators, on both sides of the aisle, and I believe most of us want the same thing: a Senate where most bills are considered by committee, come to the floor as a result of bipartisan cooperation, are debated and amended and then voted upon.

It was not so long ago that this was the standard operating procedure. I have seen the Senate off and on for more than forty years, from the days in 1967 when I came to the Senate as Sen. Howard Baker's legislative assistant. That was when each senator had only one legislative assistant. I came back to help Sen. Baker set up his leadership office in 1977 and watched the way that Sen. Baker and Sen. Byrd led the Senate from 1977 to 1985, when Democrats were in the majority for the first four years and Republicans were the second four years.

Then, most pieces of legislation that came to the floor had started in committee. Then that legislation was open for amendment. There might be 300 amendments filed and, after a while, the majority would ask for unanimous consent to cut off amendments. Then voting would begin. And voting would continue.

The leaders would work to persuade senators to limit their amendments but that didn't always work. So the leaders kept the Senate in session during the evening, during Fridays, and even into the weekend. Senators got their amendments considered and the legislation was fully vetted, debated and finally passed or voted down.

Sen. Byrd knew the rules. I recall that when Republicans won the majority in 1981, Sen. Baker went to see Sen. Byrd and said, ''Bob I know you know the rules better than I ever will. I'll make a deal with you. You don't surprise me and I won't surprise you.''

Sen. Byrd said, ''Let me think about it.''

And the next day Sen. Byrd said yes and the two leaders managed the Senate effectively together for eight years.

What would it take to restore today's Senate to the Senate of the Baker-Byrd era?

Well, we have the answer from the master of the Senate rules himself, Sen. Byrd, who in his last appearance before the Rules Committee on May 19, 2010 said: ''Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady [abuse of the filibuster]. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn . . . I also know that current Senate Rules provide the means to break a filibuster.''

Sen. Byrd also went on to argue strenuously in that last speech that ''our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators,'' he said, ''have understood this since the Senate first convened.''

Sen. Byrd then went on: ''In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were 'first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led. . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils. ''That fence,'' Sen. Byrd said in that last appearance, ''was the United States Senate. The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.''

''There are many suggestions as to what we should do. I know what we must not do. We must never, ever, ever, ever tear down the only wall—the necessary fence—this nation has against the excess of the Executive Branch and the resultant haste and tyranny of the majority.''

What would it take to restore the years of Sens. Baker and Byrd, when most bills that came to the floor were first considered in committee, when more amendments were considered, debated and voted upon?

1. Recognize that there has to be bipartisan cooperation and consensus on important issues. The day of ''we won the election, we jam the bill through'' will have to be over. Sen. Baker would not bring a bill to the floor when Republicans were in the majority unless it had the support of the ranking Democratic committee member.

2. Recognize that senators are going to have to vote. This may sound ridiculous to say to an outsider, but every Senate insider knows that a major reason why the majority cuts off amendments and debate is because Democratic members don't want to vote on controversial issues. That's like volunteering to be on the Grand Ole Opry but then claiming you don't want to sing. We should say, if you don't want to vote, then don't run for the Senate.

3. Finally, according to Sen. Byrd, it will be the end of the three-day work week. The Senate convenes on most Mondays for a so-called bed-check vote at 5:30. The Senate during 2010 did not vote on one single Friday. It is not possible either for the minority to have the opportunity to offer, debate and vote on amendments or for the majority to forcefully confront a filibuster if every senator knows there will never be a vote on Friday.

There are some other steps that can be taken to help the Senate function better without impairing minority rights.

One bipartisan suggestion has been to end the practice of secret holds. It seems reasonable to expect a senator who intends to hold up a bill or a nomination to allow his colleagues and the world know who he or she is so that the merits of the hold can be evaluated and debated.

Second, there is a crying need to make it easier for any President to staff his government with key officials within a reasonable period of time. One reason for the current delay is the President's own fault, taking an inordinately long time to vet his nominees. Another is a shared responsibility: the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements and financial disclosures required both by the Senate and the President of nominees. I spoke on the Senate floor on this, titling my speech ''Innocent until Nominated.'' The third obstacle is the excessive number of executive branch appointments requiring Senate confirmation. There have been bipartisan efforts to reduce these obstacles. With the support the majority and minority leaders, we might achieve some success.

Of course, even if all of these efforts succeed there still will be delayed nominations, bills that are killed before they come to the floor and amendments that never see the light of day. But this is nothing new. I can well remember when Sen. Metzenbaum of Ohio put a secret hold on my nomination when President George H.W. Bush appointed me education secretary. He held up my nomination for three months, never really saying why.

I asked Sen. Rudman of New Hampshire what I could do about Sen. Metzenbaum, and he said, ''Nothing.'' And then he told me how President Ford had appointed him to the Federal Communications Commission when he, Rudman, was Attorney General of New Hampshire. The Democratic senator from New Hampshire filibustered Rudman's appointment until Rudman finally asked the president to withdraw his name.

''Is that the end of the story?'' I asked Rudman.

''No,'' he said. ''I ran against the [so-and -so] and won, and that's how I got into the Senate.''

During his time here Sen. Metzenbaum would sit at a desk at the front of the Senate and hold up almost every bill going through until its sponsor obtained his approval. Sen. Allen of Alabama did the same before Metzenbaum. And Sen. John Williams of Delaware during the 1960's was on the floor regularly objecting to federal spending when I first came here forty years ago.

I have done my best to make the argument that the Senate and the country will be served best if cooler heads prevail and Democrats don't make their power grab tomorrow to make the Senate like the House, to permit them to do with any legislation what they did with the health care law. I have said that to do so will destroy minority rights, destroy the essential forum for consensus that the Senate now provides for difficult issues, and surely guarantee that Republicans will try to do the same to Democrats in two years. More than that, it is hard to see how Democrats can gain any partisan advantage from this destruction of the Senate and invitation for retribution since any bill they force through the Senate in a purely partisan way during the next two years will surely be stopped by the Republican-controlled House of Representatives.

But I am not the most persuasive voice against the wisdom of tomorrow's proposed action. Other voices are. And I have collected some of them, mostly Democratic leaders who wisely argued against changing the institution of the Senate in a way that would deprive minority voices in America of their right to be heard:

QUOTES FROM MEMBERS AND MR. SMITH GOES TO WASHINGTON

Senator Robert Byrd: We must never, ever, ever, ever, tear down the only wall, the necessary fence, that this nation has against the excesses of the Executive Branch.

Sen. Byrd: That's why we have a Senate, is to amend and debate freely.

CONGRESSIONAL RECORD, JANUARY 4, 1995, S40–41

The filibuster has become a target for rebuke in this efficiency-obsessed age in which we live. We have instant coffee, instant potatoes to mix, instant this and instant that. So everything must be done in an instant; must be done in a hurry. . . .

Anyhow, everything has to be done in a hurry. We have to bring efficiency to this Senate. That was not what the Framers had in mind.

Recently, much of the talk of abolishing filibusters was coming from the other body, but apparently the criticism has begun to seep in the Senate Chamber, as well.

The filibuster is one of the easier targets in this town. It does not take much imagination to decry long-winded speeches and to deplore delay by a small number of determined

zealots as getting in the way of the greater good.

It does, however, take more than a little thought to understand the true purpose of the tactic known as filibustering and to appreciate its historic importance in protecting the viewpoint of the minority.

In many ways, the filibuster is the single most important device ever employed to ensure that the Senate remains truly the unique protector of the rights of the people that it has been throughout our history.

BYRD DID VOICE SUPPORT FOR LIMITING DEBATE ON THE MOTION TO PROCEED THOUGH

So we have had unlimited debate in the Senate now for 200 years, and surely with 200 years of trial and testing, we should know by now it is something to be prized beyond measure.

And so it is not a matter of pride and prerogative and privilege and power with this Senator. It is a matter not only of protecting this institution, it is a matter of protecting the liberties of free men under our Constitution. And as long as I can stand on this floor and speak, I can protect the liberties of my people. If I abuse the power by threatening to filibuster on motions to proceed, take away that power of mine to abuse. Let us change the rule and allow a motion to proceed under a debate limitation of 2 hours, 1 hour, or whatever, except on motions to proceed to a rules change. I am for that.

Sen. Dodd: I'm totally opposed to the idea of changing the filibuster rules. I think that's foolish in my view.

Sen. Dodd: I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such temptation is motivated by a noble desire to speed up the legislative process or by pure political expediency, I believe such changes would be unwise.

Sen. Dodd: Therefore to my fellow Senators, who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules.

Sen. Reid: The Filibuster is far from A 'Procedural Gimmick.' It's part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not procedural gimmick. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our Founding Fathers, I doubt that's true.

SEN Reid: In a fit of partisan fury, they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven senators. The Republicans were going to do it illegally with a simple majority, or fifty-one. Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Sen. Reid: Given that the filibuster is a perfectly reasonable tool to effect compromise, we had been resorting to the filibuster on a few judges. And that's just the way it was. For 230 years, the U.S. Senate had been known as the world's greatest deliberative body—not always efficient, but ultimately effective.

Former Sen. Obama: Then if the Majority chooses to end the filibuster, if they choose to change the rules and put an end to Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

Former Sen. Clinton: You've got majority rule. Then you've got the Senate over here where people can slow things down where they can debate where they have something called the filibuster. You know it seems like it's a little less than efficient, well that's right, it is. And deliberately designed to be so.

Sen. Chuck Schumer: The checks and balances which have been at the core of this Republic are about to be evaporated. The checks and balances which say that if you get 51% of the vote, you don't get your way 100% of the time.

Sen. Gregg: You just can't have good governance if you don't have discussion and different ideas brought forward.

Sen. Roberts: The Senate is the only place in government where the rights of a numerical minority are so protected. A minority can be right, and minority views can certainly improve legislation.

FROM MR. SMITH GOES TO WASHINGTON

Jimmy Stewart: Wild horses aren't going to drag me off this floor until those people have heard everything I've got to say, even if it takes all winter.

Reporter: H.V. Kaltenborn speaking, half of official Washington is here to see democracy's finest show. The filibuster—the right to talk your head off.

Mr. ALEXANDER. Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask consent to speak as in morning business.

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

U.S.-CUBA RELATIONS

Mr. DURBIN. Mr. President, I recently had an opportunity to visit Cuba for the first time. I have been frustrated for many years about the impasse between the United States and Cuba. I believed, and continue to believe, that the best way to change the Castro regime in Cuba is to open Cuba. As we learned in Eastern Europe, once those who have lived under a controlled economy and autocratic rule are exposed to the real world and the opportunities of that world, they start pushing for change.

I went to Cuba hoping that with the transitional leadership from Fidel Castro to his brother Raúl, there might be an opportunity to turn a new page. President Raúl Castro has taken a number of small but notable steps to opening his country's economy. He has also released a number of political prisoners, albeit forcing many of them to leave Cuba if they wish to be released.

Yet a genuine start to turning the page with the United States would also have to include the release of a detained U.S. citizen, Alan Gross, a man with whom the Presiding Officer and I have met. Today marks the third full year in prison in Cuba for Alan Gross. What was Alan Gross's crime? He provided Internet equipment to some of the Cuban population. That is right, Internet equipment.

The Presiding Officer may have read that in war-torn Syria under the ruthless dictator Bashar al Assad, the Internet was recently turned off for a few days but was restored. In fact, Internet access in Cuba is between 1 percent to 3 percent, making it among the lowest rates in the world. The Cubans have tried to exclude news from the outside world to those living on the island.

In 2011, the Cuban and Venezuelan Governments—two governments not known for political freedoms—launched a much ballyhooed project to lay an undersea fiber optic cable between the two countries to help improve Cuba's phone and Internet services.

The $70 million project was expected to be in operation for the entire Nation by the summer of 2011, but as of May 2012 reports indicate that use has been restricted to only Cuban and Venezuelan Government entities, and Internet access by the general public still remains slow and very expensive. It is no wonder that trying to use the Internet in Cuba can land a person in jail, but 15 years in jail for American Alan Gross?

I have come to this floor many times to plead for his freedom, and I will continue to do so. Gross's incarceration is a tragic reminder of the stale and tired policies from another era. It is difficult to imagine how relationships between the United States and Cuba can improve while Alan Gross continues to be held as a hostage to the contrived grievances of the Cuban Government.

Today, December 3, marks the third anniversary of Alan's detention—3 long, painful, and damaging years—3 years. However, that is only a small fraction of his 15-year sentence. Alan is a 63-year-old man from Maryland who simply wanted to give basic communication tools—just a shadow of what average Americans enjoy every day—to the Cuban people.

When he arrived in Cuba, he went through their customs with all of his equipment and handed over everything he brought in, which they dutifully inspected. They proceeded to allow him to leave with the equipment and then turned around and arrested him for being a spy trying to sneak something into the country. He fully disclosed everything he brought in. He didn't believe he was violating the law. It is a mere technicality that has him sitting in prison today.

Now he is fighting for his life, trying to sustain his emotional and physical health, and that is a growing concern. When I met with Alan Gross, he explained to me his daily routine. It is the only thing that keeps him sane. He gets up and marches around his room, pacing off the feet as he goes, trying to make sure he walks a certain distance

each day. They let him outside in the sunlight for a little while each day, and he tries to do exercises outside to maintain his physical condition.

Recently, they found a mass on his shoulders. The Cuban doctors diagnosed it as hematoma and said it would go away, but it hasn't. It is a source of growing concern. His family is worried that it may be worse than a hematoma—perhaps even a tumor—and Alan Gross repeatedly has asked for a doctor of his own to examine him, but Cuba has refused.

Facing outside pressure, Cuban doctors recently took another biopsy of the mass and made a big effort to publicly announce last week that their tests concluded it wasn't cancerous, but Alan and his doctor in the United States are not satisfied with the methods the Cubans used and don't trust the results.

Just last week, Judy Gross, Alan's wife, came to see me again. She has been in before. She talked about her worry and the worry of her family about her husband's condition. Who can blame them. Alan's daughter and mother are both battling cancer. He has reason to fear that he could have it too. Alan deserves a medical evaluation from a doctor he knows and believes in. Cuba should at least give him that. Furthermore, they should allow the examination to take place in the United States so he can visit his ailing mother and daughter.

I have pleaded with them to give him a chance to come home. One of the Cuban Five, a group of five Cubans who were arrested for espionage, was given that opportunity to return to Cuba so they could visit a sick brother. During my visit to Cuba, I had the privilege of meeting with Alan in person, and I thank the Cuban Government for that visit. I was moved by our conversation and impressed by the sincerity of Alan's affection for the Cuban people.

This is a picture that was taken during the course of my visit with Alan. Alan Gross is not a threat to the sovereignty of the Cuban Government as they claim. He is a good man with good intentions, an honest man who just wants to come home to his family. Instead, he is trapped in Cuba, now for 3 years, being used by a regime as a pawn in a standoff with the United States. Holding Alan Gross as a political hostage is the wrong way to solve any problem between our countries.

I am no fan of this Cuban regime. Its disregard for human rights and basic freedoms trouble me greatly. The recent suspicious death of Cuban democracy leader Owaldo Paya and continued harassment of blogger Yoani Sanchez are deeply troubling, but I believe in the Cuban people and in their right for economic and political expression. I am inspired by the passionate and courageous activists on the island—those who follow the example of Paya and Sanchez—and I am hopeful they will break through the repression and bring real change to that country.

Today Senators CARDIN and MORAN submitted a resolution calling for the immediate and unconditional release of Alan Gross. I support it and join them as a cosponsor, and I call on my colleagues to do the same.

Last week when I met with Alan's wife Judy, it almost broke my heart. She has fought tirelessly for her husband's release and her pain is palpable. As is Alan, she is frustrated, but she continues to fight for his freedom and works hard to ensure he is not forgotten.

Judy Gross, I assure you, Alan is not forgotten. I hope the Cuban Government takes note of the same. Alan Gross deserves to come home, and we will continue to fight for him until he does.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JOSEPH RICHARDSON

Mr. BOOZMAN. Mr. President, the men and women who wear our Nation's uniform are selfless heroes who embody the American spirit, courage, honor, and patriotism. We must always remember to honor those who risk their lives to protect our country because our troops have given the greatest sacrifice in defense of our freedoms.

Today I am here to pay my respects to Army SGT Joseph A. Richardson, an Arkansas soldier who sacrificed his life for his country while in support of Operation Enduring Freedom.

As a student at Booneville High School in Booneville, AR, Sergeant Richardson took an interest in the military. His guidance counselor told Arkansas media outlets that during his sophomore year he became interested in military service and was anxious to take the necessary entrance exams even before he could qualify. His counselor said, ''He felt like it was going to be an honor to serve his country.'' In 2008, he joined the Army.

His passion for his service to his country remained constant. Sergeant Richardson's family said he loved his job, he loved fighting for his country and our freedom. He liked it so much he recently reenlisted for 6 more years of service in the Army.

While Sergeant Richardson's desire to serve his country was well known, so was his enthusiasm for life. His family and friends describe Sergeant Richardson as a kind-hearted man who always put others first and made those around him laugh.

As a member of A Company, 1st Battalion, 28th Infantry Regiment, First Infantry Division, Fort Riley, Kansas, 23-year-old Sergeant Richardson gave his life for his country on November 16, 2012, while on patrol in Afghanistan.

SGT Joseph Richardson is a true American hero who paid the ultimate sacrifice. I ask my colleagues to keep his wife Ashley and the rest of his family and friends in their thoughts and prayers during this very difficult time. On behalf of a grateful nation, I humbly offer my sincerest gratitude for his patriotism and selfless service.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE AND MEDICAID

Mr. GRASSLEY. Mr. President, today, America faces no greater threat to its growth and prosperity than our uncontrolled national debt. Currently, the country's debt exceeds $16 trillion. We are passing this amount of money on to our children and grandchildren to pay off. It is simply far too large a burden to be placing on them.

As we move forward, it is clear that we must discuss spending.

I know that President Obama is hyper-focused on increasing taxes as part of a deficit-reduction proposal. However, if we are serious about reducing our debt, we must talk about spending—not sometime next year, not only after we talk about taxes. We must talk about our spending Now.

We need to have a thoughtful conversation that focuses on where our Federal spending most calls for control and containment.

I would like to begin by drawing your attention to this chart I have in the Chamber.

This chart from the Congressional Budget Office details noninterest spending as a percentage of GDP.

We already know the significant role health care spending plays in our budget.

Over the next decade, the Federal Government will spend over $7 trillion on Medicare and $4.5 trillion on Medicaid. Together these two programs account for one-quarter of the entire Federal Government's spending throughout the next 10 years. But look closely at the even longer term projections of our spending.

According to the Congressional Budget Office, this middle graph—Social Security, as a percentage of GDP—will remain relatively stable over the next 25 years.

Noninterest spending, the bottom graph, as a percentage of GDP will also remain relatively stable over the same period.

Now, look at this top graph. Over the next 25 years, spending on health care entitlements will basically double as a percentage of GDP.

Unless we take a serious look at health care spending, we aren't genuinely acting to reduce our country's debt.

Twenty-five years is not a lot of time. We need to be talking about health care spending now—not sometime next year, not just once we have discussed taxes; now.

In Washington, we can get all wrapped up over semantic terms. Do we need Medicare and Medicaid reform? Should we call it restructuring, reorganization, improving and strengthening?

To me, the terms are irrelevant and the conclusion is undeniable. We must gain control of health care spending.

As we move forward in debt talks, I know a lot of attention will be devoted to taxes and revenue. Those conversations are important and should conclude with tax policy that fosters economic growth. But conversations about the health care entitlements should not be postponed or relegated to second-tier status, and they certainly should not be confined to cost reduction exercises that ignore the fundamental cost drivers.

I have read reports of the savings in Medicare and Medicaid that President Obama has proposed. In my mind, they do little more than take cash out of the system without making fundamental changes necessary to bend the growth curve. Let's take a look at a few of those in the President's 2013 budget.

There is increasing income-relating of Medicare premiums. That one takes more money from rich seniors. There is increasing copays for home health. That will increase costs for all seniors. There is getting bigger rebates from drug companies, even if it harms Part D. That one takes money from drug companies. There is cutting provider taxes in Medicaid. That one will take money from States at a time when the administration is encouraging them to expand Medicaid to cover childless adults. As an aside, I notice that the Washington Post had a banner editorial last Friday supporting a reduction in Medicaid provider taxes. I wish that the Post had been so helpful in 2006 when the Bush administration made a similar proposal.

There is also something called a ''blended rate'' for State reimbursement under Medicaid.

That breaks the promise to pay for 100 percent of the costs of those made eligible under Obamacare.

These proposals will certainly reduce the Federal outlay in Medicare and Medicaid. However, these proposals will not solve the larger problem of health care spending growth. Instead, we should also focus on where our spending really is.

I am fully aware that there is significant opposition from Democrats to Republican ideas like premium support for Medicare and block grants for Medicaid. I am not here promoting either of those ideas. But opposition to those ideas should not allow Democrats to walk away from the issue. We must address the growth of health care entitlements.

I believe our Medicare and Medicaid spending problems can be explained in three straightforward charts. This chart I have in the Chamber is the first one.

Here we look at the Federal Medicare and Federal and State Medicaid spending divided into three groups.

On the left is spending by the Federal Government for people who are eligible only for Medicare.

On the right is Federal and State spending for people only eligible for Medicaid.

In the middle is Federal and State spending for people eligible for both Medicare and Medicaid, also known as dual eligibles or duals.

This middle group, the duals, accounts for just over 10 percent of the entire Medicare and Medicaid population. However, there is more spending on duals than on the Medicare-only beneficiaries or the Medicaid-only beneficiaries.

When we talk about the need to find ways to control spending on duals, it is for good reason. We must find ways to realign the disparate incentives of the federally run Medicare Program and the State-run Medicaid Programs.

However, focusing on solutions exclusive to duals misses the fullness of the problem. For one, the duals are not a homogeneous population. While most people consider people on Medicare to be typically elderly, fully 38 percent of the duals are nonelderly. Also, while many of the duals are clearly high-cost, there are a large number of duals who utilize very few services.

So while improvements to the care model that we use for duals are necessary, they are far from sufficient in reducing the totality of the growth driving health care costs.

Consider this next chart, I have in the Chamber.

In this chart, we see the most expensive individuals in the Medicare program. This is a population who has two to three chronic conditions and functional impairments. Among the most expensive Medicare beneficiaries, more than half—57 percent—qualify only for Medicare.

Providing better coordinated care and reducing costs for high-cost beneficiaries is critical for the future of Medicare and Medicaid. I have strong reservations about splitting these two groups based solely on individuals' income.

Proposals that give the States greater control of acute care services for the 43 percent who are duals, essentially, divide two similarly situated, expensive individuals between one Federal model and 50 States models based solely on their income. That makes no sense to me. A Medicare-only beneficiary may exhaust income and assets and become dually eligible. The separation between the two populations is arbitrary and artificial.

Whatever we do to find a better model to coordinate care and reduce costs for high-cost beneficiaries, it needs to address all beneficiaries, not just duals.

To find rational solutions to our health care spending, we must first accurately target the populations who incur the most significant expenditures. This includes individuals who are not only the duals but also those Medicare-only seniors with multiple chronic conditions and functional impairments.

Finally I would like to draw attention to this chart I have in the Chamber.

This final chart details spending on long-term services and supports in 2010. Two years ago, a total of $208 billion—8 percent of all U.S. personal health care spending—was spent on long-term services and supports. Among this spending, Medicaid, the single largest payer of such services, picked up 62.2 percent of the cost, while the private market paid for just over a third of it.

With 80 million baby boomers entering retirement age, and 7 out of every 10 seniors needing long-term care at a certain point in their lives, the demand for those services will only increase and further drive health care spending if we don't take action. We must find ways to increase private spending and decrease public spending on long-term services and supports.

If we are going to argue that we are reducing the growth of health care costs, we must actually do it.

In closing, we have an opportunity before us. We can either make real changes to our health care entitlements that will impact the growth curve for years to come, or we can simply take cash out of the system and call it reform. We have to be willing to re-examine the effectiveness of our current overall Medicare and Medicaid structure. We should not be afraid to ask tough questions.

Should Medicare and Medicaid be structured in a way that provides benefits to individuals in the most efficient and effective way possible?

Are Medicare and Medicaid, in fact, structured in a way that guarantees we will spend Federal and State dollars inefficiently or ineffectively?

When you look at the spending on duals, the spending on high-cost beneficiaries and the spending on long-term supports and services, I believe the answer to both questions is yes.

Medicare and Medicaid proposals must address these three areas.

President Obama hasn't come to the table yet. I know there are people telling us we shouldn't talk about health care entitlements now. We don't have a choice. Look at the numbers. Look at

the spending. We only make the problem worse by putting it off. We can save Federal dollars by extracting more from beneficiaries, providers, and States, but that won't bend the long-term growth curve. We have to talk about solutions to actually lower the growth curve now.

We are $16 trillion in debt. One of every four dollars we will spend in this next decade will be on Medicare and Medicaid. We will see health care entitlements double as a percentage of GDP in the next 25 years. If we want Medicare and Medicaid to not only survive but also thrive for the next generation, we need to be willing to ask fundamental questions and seek solutions that can affect the growth curve.

I sincerely hope we are willing to look for solutions that can make a real difference.

Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. AYOTTE. Mr. President, as a member of the Senate Armed Services Committee—and I appreciate your leadership in that role as well on that committee—I would like to speak for a few minutes on the National Defense Authorization Act.

In the midst of an ongoing war, with our brave sons and daughters, husbands and wives fighting in Afghanistan, our country continues to face a very serious threat from radical Islamist terrorists and other challenges and threats throughout the world. With increased threats posed by rogue states such as Iran and North Korea, it is so important that we pass the Defense Authorization Act.

I would like to take a minute to thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and for the hard work and dedication they have shown in bringing us together around this Defense authorization. In a place where we typically have seen many times that things have come down on party lines, I can tell you that the Senate Armed Services Committee is a welcome exception to the gridlock and partisanship in Washington, and both of them have brought us together. In fact, the Defense authorization bill passed out of the Senate Armed Services Committee unanimously. It reflects the committee's bipartisan commitment to making sure our troops and their families have what they need to ensure our Nation is protected.

As the ranking member of the readiness subcommittee, I have had the pleasure of working with Chairman MCCASKILL to ensure that our men and women in uniform have the resources they need to protect themselves and our country. At the same time, the readiness subcommittee has also worked very hard to achieve significant reforms that save taxpayer dollars without endangering our military readiness. I look forward to continuing to work with the chairman to seek additional efficiencies within the Department of Defense budget, while guarding against irresponsible cuts that would leave our troops and our Nation less prepared for future contingencies and increase the likelihood of conflict.

I also wish to recognize the work I have had the opportunity to do with my colleagues on both sides of the aisle that further supports our troops, our veterans, and their families. I am proud to have worked with my colleagues across the aisle to include several very important provisions in this year's Defense Authorization Act.

During the markup, Senator BEGICH, Senator MCCAIN, Senator SHAHEEN, Senator VITTER, and Senator UDALL joined me—three Republicans and three Democrats working together—to introduce and successfully incorporate an amendment to the Defense authorization that would save $400 million by cutting off funding to the over-cost and behind-schedule Medium Extended Air Defense System, or MEADS. This is a weapons program that the Pentagon has said it will never procure, it will never happen. Yet we continue to put taxpayer dollars into this weapons system. I know that in the President's comments about the bill, he has expressed concern about this—his administration has—but at a time when we are facing grave fiscal challenges in this country, we cannot afford to spend $400 million on a weapons system that will never come to be when there are so many other needs that need to be addressed.

In another bipartisan effort, more than a dozen of my colleagues joined Senator BEGICH and me in ensuring that veterans buried at the Clark Veterans Cemetery in the Philippines will have the dignified and final resting place they deserve. There is still more work we have to do on this issue.

What this comes down to is when the Air Force abandoned Clark Air Force Base in 1991 in the wake of a volcanic eruption, Clark Veterans Cemetery was abandoned and the tombstones and the remains of 8,300 U.S. servicemembers and their dependents were left buried in ash and overgrown weeds. That is completely unacceptable for those who have served our Nation, that we would not ensure that this cemetery would be kept in a way that is dignified and consistent with the respect they deserve, having served our Nation.

To prevent this from ever happening again, I am pleased that the Defense authorization includes my provision, which would require the Secretary of Defense to provide Congress a plan to ensure that an appropriate Federal or private agency assumes responsibility for the continued maintenance and oversight of cemeteries located on overseas military bases after they close.

What happened here is that we left, and there was nothing in place to ensure that we would take responsibility to make sure this cemetery was maintained with dignity and respect. This provision will make sure that if we are in that position again, this will not happen.

Additionally, Senator JACK REED and I worked together to include a provision aimed at enhancing the Department's research, treatment, education, and outreach initiatives focused on addressing the mental health needs of members of the National Guard and Reserve.

In addition to the provisions I have just mentioned which we have been able to put in this bill on a bipartisan basis, I would also like to talk about some additional amendments that have already been included in the Defense authorization. Here are some of the provisions or reporting requirements that are included within this bill:

First, requiring the Pentagon to complete a full statement of budget resources by 2014 to improve financial stewardship at the Pentagon.

This has been an issue we have been working on for too long. It is time that the Pentagon is able to undergo an audit, and this requirement that is contained within the Defense Authorization Act is consistent with what Secretary Panetta has said he is seeking to do, to make sure the Pentagon can complete a full statement of budget resources by 2014.

When we are at a time when we are $16 trillion in debt, the fact that we are not able to audit the Pentagon, aren't able to really take that information and make critical decisions on what we need versus what we would want to do and what we can afford to do, this is very important, that the Pentagon get to a position where it can be audited. This provision ensures that this critical step is in this bill, and I am hopeful it will get passed.

Additional provisions that will save millions of dollars in acquisitions by prohibiting the Department of Defense from using cost-type contracts for the production of major defense acquisition programs are in this bill.

We can't afford the years where we are paying much more for weapons systems than we can afford and it takes much longer to produce them. We can improve our acquisition systems, and by prohibiting the Department of Defense from using cost-type contracts for the production of major defense acquisition programs, this is a very important step.

There are also provisions in this bill to ensure that our nuclear deterrent remains strong as we modernize our nuclear arsenal.

Without a nuclear deterrent, if you look at what is happening around the world, with Iran trying to acquire the

capability of having a nuclear weapon, with North Korea having that capability, it is very important that we have that deterrent in our country and that it remains modern and able if, God forbid—we hope we will never have to use that, but it is a very strong deterrent to rogue actors around the world that are seeking this capability.

In addition, there are provisions that increase oversight of the Department of Defense's proposed reduction in the number of soldiers and marines and looks at the issue of minimizing involuntary separations.

This is one of the things we are facing right now. With the defense cuts, some of our men and women in uniform who have served multiple tours on our behalf are now in a position where they may receive a pink slip. We owe it to them to make sure we minimize the situation where they come home, they are given a pink slip, and then they are put in a situation where they are looking for a job. We need to make sure we do this in a way that they can assimilate into the civilian society without being left unemployed, given the sacrifices they have made for our country.

There are other provisions I would like to highlight briefly. There is a provision to ensure that military amputees have access to top-quality prostheses and prosthetic sockets. Whether servicemembers who require prosthesis choose to leave the military or continue to serve, they deserve the best, top-quality prostheses and prosthetic sockets, and included in this mark is a provision that will ensure there are standards to make certain they receive the best. They deserve it.

In addition, there is a provision that will require that the Navy let us know what our current military capabilities require in terms of the number of ships and submarines that are in our fleet. The Chief of Naval Operations testified last year the Navy needs 313 ships and submarines to meet its strategic requirements. Right now we only have 285. If sequestration goes forward, we are going to have dramatically less. Right now, we can only meet 61 percent of attack submarine requirements set by our combatant commanders. The administration has said we are going to shift to the Asia Pacific region given the rise in investments China is making in its navy, so I am simply asking that the Navy tell us what they need to make sure our country is protected.

We have conflicting information, and it is important that we have a strong and robust Navy to make sure America is protected from the threats we face around the world.

In conclusion, I want to just thank Chairman LEVIN and Ranking Member MCCAIN for all their hard work and leadership on the Armed Services Committee. This is a bill of which we can be proud. I am pleased that last week the Senate adopted my amendment to ban terrorists who are being held at Guantanamo Bay from being transferred to U.S. soil. I know that is something the American people feel strongly about.

I know the bill, overall, will continue to have debate on a number of amendments, but it is a bill that is very important to our servicemembers—the men and women in uniform who serve us—and their families. They deserve the very best. They deserve to know we will pass this bill to make sure they have the equipment and the support they need given the sacrifices they have made for our country.

Again, I thank Chairman LEVIN and Ranking Member MCCAIN for all their hard work.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2954, 2978, 3015, 3022, 3024, 3028, 3042, AS MODIFIED, 3054, AS MODIFIED, 3066, 3091, AS MODIFIED, 3160, 3164, 3176, AS MODIFIED, 3188, 3208, 3218, 3227, 3268, 3289, AND 3119

Mr. LEVIN. Mr. President, I now call up a list of 20 amendments which have been cleared by myself and Senator MCCAIN: Begich amendment No. 2954; Inhofe amendment No. 2978; Blumenthal amendment No. 3015; Cardin amendment No. 3022; Cardin amendment No. 3024; Tester amendment No. 3028; Collins amendment No. 3042, as modified by the changes at the desk; McCain amendment No. 3054, as modified by the changes at the desk; Toomey amendment No. 3066; McCain amendment No. 3091, as modified by the changes at the desk; Brown of Massachusetts amendment No. 3160; Levin amendment No. 3164; Rubio amendment No. 3176, as modified by the changes at the desk; Warner amendment No. 3188; Bingaman amendment No. 3208; Snowe amendment No. 3218; Conrad amendment No. 3227; Hatch amendment No. 3268; Coons amendment No. 3289; and Paul amendment No. 3119.

Mr. MCCAIN. The amendments have been cleared by our side.

The PRESIDING OFFICER. Is there further debate on the amendments en bloc?

If not, the question is on agreeing to the amendments?

The amendments were agreed to, as follows:

AMENDMENT NO. 2954

(Purpose: To authorize space-available travel on Department of Defense aircraft of certain unremarried spouses of members and former members of the Armed Forces)

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.

AMENDMENT NO. 2978

(Purpose: To require the Secretary of the Air Force to submit to Congress a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solution-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract)

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.

AMENDENT NO. 3015

(Purpose: To extend the stolen goods offense to cover all veterans' memorials)

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.''.

AMENDMENT NO. 3022

(Purpose: To express the sense of the Senate concerning the conflict-induced Afghan refugee situation)

On page 405, line 4, strike ''Section'' and insert the following:

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

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) EXTENSION OF AUTHORITY.—Section

AMENDMENT NO. 3024

(Purpose: To include the Coast Guard in the requirements for the achievement of diversity in the Armed Forces)

On page 124, between lines 6 and 7, insert the following:

(f) APPLICABILITY TO COAST GUARD.—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

AMENDMENT NO. 3028

(Purpose: 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)

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

SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

"§ 111A. Transportation of individuals to and from Department facilities

''(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.''.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting ''TRANSPORTATION BY THIRD-PARTIES.—'' before ''The Secretary''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

''111A. Transportation of individuals to and from Department facilities.''.

AMENDMENT NO. 3042, AS MODIFIED

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

SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (''insider attacks'') in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

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

(1) A description of the nature and proximate causes of the attacks described in subsection (a), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

AMENDMENT NO. 3054, AS MODIFIED

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

SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

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

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

''(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.''.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

AMENDMENT NO. 3066

(Purpose: To require an independent study and report on simulated tactical flight training in a sustained gravity environment)

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

SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as ''G readiness'' and ''G tolerance'').

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

AMENDMENT NO. 3091, AS MODIFIED

(Purpose: To authorize additional amounts for new programs identified and requested by the Department of Defense as unforeseen, urgent, and high priority requirements, and to provide an offset)

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

SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

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

SEC. 154. AC–130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC–130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

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

SEC. 216. RELOCATION OF C–BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, $3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C–Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by $38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

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

SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of $46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term ''fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts'' means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN–133, $12.5 million; Army C–RAM, BLIN–90, 158 million; Army non-system training devices, BLIN–182, $9.8 million; Defense wide 12/14 VSSOCOM C–150 modifications, $4.0 million; Defense wide 12/14 combat mission requirements, $4.2 million.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

AMENDMENT NO. 3160

(Purpose: To improve the authorities relating to rates of basic allowance for housing for National Guard members on full-time National Guard duty)

On page 176, line 8, insert before the period the following: '', unless the transition results in a permanent change of station and shipment of household goods''.

AMENDMENT NO. 3164

(Purpose: To authorize the transfer of defense articles and the provision of defense services to the military and security forces of Afghanistan and certain other countries)

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

SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed $250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

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

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term ''East Africa region'' means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

AMENDMENT NO. 3176, AS MODIFIED

At the end of title XXVII, add the following:

SEC. 2705. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

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

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the Air Force Materiel Command's reorganization on other commands' responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

AMENDMENT NO. 3188

(Purpose: To express the sense of Congress on the Joint Warfighting Analysis Center)

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

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

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

AMENDMENT NO. 3208

(Purpose: To promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.)

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

AMENDMENT NO. 3218

(Purpose: To remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns)

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

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

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

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

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

(3) by striking subparagraph (D); and

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

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

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

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

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

AMENDMENT NO. 3227

(Purpose: To require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center)

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

SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

AMENDMENT NO. 3268

(Purpose: To modify the age and retirement treatment under the Federal Employees Retirement System for certain retirees of the Armed Forces)

At the end of title XI, add the following:

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

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

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''The annuity of an employee'' and inserting ''(1) Except as provided in paragraph (2), the annuity of an employee''; and

(3) by adding at the end the following:

''(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

''(i) 1 7/10 percent of that individual's average pay multiplied by so much of such individual's civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

''(ii) 1 percent of that individual's average pay multiplied by the remainder of such individual's total service.

''(B) An employee described in this subparagraph is an employee who—

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

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

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

AMENDMENT NO. 3289

(Purpose: To make technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment)

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

SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking ''those professional societies'' and all that follows through ''the Armed Forces Institute of Pathology'' and inserting ''the professional societies and organizations that support the activities of the American Registry of Pathology''; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking ''with the concurrence of the Director of the Armed Forces Institute of Pathology'';

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

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

(i) by striking ''accept gifts and grants from and''; and

(ii) by inserting ''and accept gifts and grants from such entities'' before the semicolon; and

(3) in subsection (d), by striking ''to the Director'' and all that follows through ''it deems desirable,'' and inserting ''annually to its Board and supporting organizations referred to in subsection (a)(2)''.

AMENDMENT NO. 3119

(Purpose: To provide for the more accurate and complete enumeration of members of the Armed Forces in any tabulation of total population by the Secretary of Commerce)

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

SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

''(1) fully and accurately counted; and

''(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. McCAIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3124, AS FURTHER MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the adoption of the Blumenthal amendment No. 3124, as modified, the amendment be modified further with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

AMENDMENT NO. 3124, AS FURTHER MODIFIED

At the end of title VIII, add the following:

Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

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

SEC. 892. DEFINITIONS.

In this subtitle:

(1) COMMERCIAL SEX ACT.—The term ''commercial sex act'' has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation) .

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(3) SUBCONTRACTOR.—The term ''subcontractor'' means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) SUBGRANTEE.—The term ''subgrantee'' means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) UNITED STATES.—The term ''United States'' has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

SEC. 893. CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking ''if the grantee or any subgrantee,'' and all that follows through the period at the end and inserting the following: ''or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

''(i) severe forms of trafficking in persons;

''(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

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

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

''(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

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

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

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

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

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

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

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

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

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

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

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

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

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

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

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

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

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

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of

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

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

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) DETERMINATION.—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

''(E) In an administrative proceeding—

''(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

''(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).''.

SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

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

SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking ''Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States'' and inserting ''(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,''; and

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

''(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.''.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

''(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;'';

(4) in clause (iv), as redesignated by paragraph (2), by inserting ''and'' at the end after the semicolon; and

(5) by adding at the end the following new clause:

''(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;''.

SEC. 899. RULES OF CONSTRUCTION.

(a) LIABILITY.—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) PROSPECTIVE EFFECT.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

Mr. LEVIN. Mr. President, we are making some very important progress. We are hopeful there may be another package of cleared amendments even before the vote on cloture later this afternoon. If not, we will nonetheless be offering that list of cleared amendments postcloture.

Mr. MCCAIN. Mr. President, the previous hold objection has been lifted, which has allowed us now to continue with this process. We lost 3 hours or so due to that, but we are still pleased to be able to make this progress. We will be having further cleared amendments, and hopefully we will have the end in sight after the cloture vote around 5:30.

I thank my friend from Michigan.

Mr. LEVIN. I join in Senator MCCAIN's thanks to our staff, which he invariably remembers, because they are critically important. They are helping us to clear additional amendments, and the progress is real. I think we are right at just about 100 amendments now that have been either adopted by rollcall vote, voice vote or by cleared unanimous consent.

So I thank all our colleagues for working so closely with us and for their cooperation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the Casey-Hutchison amendment which was added to the bill before us last week. I did not speak before the amendment was agreed to, but I think it is important to highlight it, particularly in light of things that happened just last week in Afghanistan.

The amendment that was agreed to is an amendment that would focus on women and girls in Afghanistan and their plight. Sadly, the day before Senator CASEY and I filed our amendment—with many wonderful cosponsors from the Senate—to help address the plight of women and girls, a tragedy was reported in the newspaper. A 14-year-old girl from a village in Afghanistan was beheaded by two men. The justification for beheading this child—who was going to fetch water—was that she, with the support of her family, had declined to marry one of the men.

Gasitina was a student—a brave act in itself for a girl in Afghanistan—and she was butchered while fetching water because she would not, at the age of 14, marry one of the men.

In October, another young woman's throat was slashed because she refused to work as a prostitute. Honestly, some of the women who are forced into prostitution are killed because of what they do.

In September, three young women, two of them sisters, were attacked by six men because they were television actors and the six fundamentalists believed their dress was immodest. The sisters barely survived, but their friend bled to death from horrific stab wounds outside a mosque.

This is life in a situation that has improved for women since the fall of the Taliban rule. Clearly, there are still entrenched cultural and societal ills that will take much more work to cure. Despite the strides that have been made, Afghanistan is still ranked as the most dangerous country for women in the world. Afghanistan falls behind the Democratic Republic of Congo, Pakistan, and Somalia.

Women and girls are constantly under attack, particularly if they try to go to school in some areas where there are still police who do not believe girls should be able to do so. If they teach others, there is a price to pay, and if they want to participate or speak out, there is another price to pay.

Women are frequently incarcerated for moral crimes—such as leaving home. It is estimated that half the country's imprisoned women and girls are incarcerated for such offenses.

The life of many women in Afghanistan is, of course, incomprehensible to us. Here are a few statistics: An estimated 70 to 80 percent of marriages are forced; 87 percent of women face at least one form of physical, sexual or psychological violence or forced marriages in their lifetimes; women in Afghanistan have a 1 in 11 chance of dying in child birth and roughly 87 percent of women are illiterate.

The Afghan Women and Girls Security Promotion Act—which Senator CASEY and I cosponsored, along with many others in this body—will help improve the lives of these women and make Afghanistan a safer place, where our goal and their goal would be that they could freely participate in public life, get an education, raise their families without fear of retaliation for fully realizing their full potential and making their own life choices.

Here is what the bill does. It requires the Department of Defense to produce a three-part plan to support the security of women and girls during and after the transition process. It is monitoring and responding to changes in women's security during and after the transition. If it appears there is a deterioration in women's security, the bill would require the DOD and our partners that will remain there to take concrete action to support the women in these situations.

It also will improve their opportunities and treatment by the Afghan National Security Forces personnel, and it would increase the recruitment and retention of women in the Afghan National Security Forces.

Last week, I read in the Washington Post about a 17-year-old Afghan girl who had dreamed of becoming a doctor. If she had been in America, we would have been speaking about her now as an example of success. Instead, I am speaking of a child so desperate to escape an arranged marriage that she had been promised to since she was 9 years old she jumped off the roof of her house. Killing herself was the outlet she could see. She survived this suicide attempt, though she is now paralyzed. While her story is tragic in every way, there is a glimmer of hope because, in fact, her family has backed her, now petitioned to annul her engagement. Her family stood with her after she took such a bold step. Even that would never have happened under Taliban rule.

We know change will be slow, but if it is encouraged and if progress is protected it can come.

I wish to say Secretary of State Hillary Clinton, when she was a Senator, and myself, were the honorary cochairs of Vital Voices, which is an organization that looked for the women in Third World countries who are so mistreated yet still looked for things to celebrate in those countries. We have honored the women who have stood up in those countries and achieved great success, either in economics or in humane treatment for women in those countries. I think we have begun to raise the awareness in many areas.

Our former First Lady Laura Bush, also reading of this amendment that was adopted last week, reached out to say what a great thing we are doing. I know Secretary of State Clinton also will be supportive of keeping this amendment in conference.

I am very pleased we have been able to have the agreement of the managers who are on the floor to unanimously accept the Casey-Hutchison amendment. I am going to implore them or twist their arms to assure that this amendment stays in conference so there will be clear support and that the women and girls of Afghanistan will know they do not have to do such drastic things as try to kill themselves or be in harm's way such that a rejected suitor would actually murder his 14-year-old intended because she said she would not marry him. This is a human rights issue if there ever was one.

I am very proud to cosponsor the amendment with Senator CASEY, Senator MIKULSKI, Senator FEINSTEIN, Senator GILLIBRAND, Senator MURKOWSKI, Senator SNOWE, Senator LAUTENBERG, Senator CARDIN, Senator BOXER and Senator FRANKEN. We must keep this as one of the things we wish to achieve

for the Afghan people as we exit militarily. We must keep the transition force to assure that all the lives of our brave military that have been lost in Afghanistan will not have been in vain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent a vote on or in relation to the Kyl-Kerry amendment No. 3123, as modified, which has been cleared by both managers, will occur at a time to be determined by the managers in consultation with the leaders following the vote on cloture on the bill.

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

AMENDMENTS NOS. 3291, 3282, 3292, 3165 EN BLOC

Mr. LEVIN. Mr. President I call up amendments en bloc: Pryor No. 3291, Collins No. 3282, Reed No. 3292, and Reed No. 3165.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are pending en bloc.

Mr. LEVIN. I know of no further debate on the amendments.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 3291

(Purpose: To require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses)

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

SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

''(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

''(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3282

(Purpose: To provide for a prescription drug take-back program for members of the Armed Forces and their dependents)

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

SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

AMENDMENT NO. 3292

(Purpose: To provide for the enforcement of protections on consumer credit for members of the Armed Forces and their dependents)

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

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

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

''(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.''.

AMENDMENT NO. 3165

(Purpose: To establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans)

(The text of the amendment is printed in the RECORD of Wednesday, November 28, 2012, under ''Text of Amendments.'')

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3292

Senator REED's amendment, amendment No. 3292, to the National Defense Authorization Act, seeks to further address the problem of predatory lenders taking advantage of members of our Armed Forces. Predatory lending practices are a serious problem for members of the Armed Services throughout the country, and I know it has impacted Vermonters serving in our Nation's military.

This amendment further strengthens the Military Lending Act by extending enforcement authority to certain Federal Agencies. Senator REED's amendment seeks to expand the universe of parties who can bring enforcement actions against predatory lenders, and therefore provide additional protections to the members of our Armed Services. Allowing additional Federal Agencies to bring enforcement actions helps ensure that fewer instances of predatory lending in the Armed Services community go unprosecuted. It is important to me, as it is to Senator REED, that members of our Armed Services be free from harmful and deceptive lending practices.

I am glad Senator REED reached out to me on this amendment regarding the expansion of enforcement authority, and I thank him for his leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF PAUL WILLIAM GRIMM TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Paul William

Grimm, of Maryland, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, after months of unjustifiable delays, the Senate will finally be allowed to vote on one of President Obama's qualified, consensus judicial nominees. The nomination of Paul William Grimm to the United States District Court for the District of Maryland was reported by the Judiciary Committee nearly-unanimously 6 months ago. Judge Grimm and the people of Maryland have been forced to wait 6 months for this day for no good reason. He is one of the 19 judicial nominees who should have been confirmed before the August recess.

Since 1997 Judge Grimm has served as a United States Magistrate Judge and since 2007 as Chief Magistrate Judge on the United States District Court for the District of Maryland. Prior to joining the bench, Judge Grimm had wide legal experience as a lawyer in Maryland State government, private practice, and as a Judge Advocate General. The ABA Standing Committee on the Federal Judiciary unanimously rated him ''well qualified'' to serve on the U.S. District Court, its highest possible rating. He has the strong support of his home State Senators, Senator MIKULSKI and Senator CARDIN. There was no opposition on the merits to his confirmation when he was considered by the Republican and Democratic Senators on the Judiciary Committee.

This is another judicial nominee whose service has been stalled by unnecessary, partisan obstruction. In her recent comments at Huffington Post, Jen Bendery correctly noted:

> The pattern throughout the president's tenure has been uncontroversial judicial nominees clearing the Senate Judiciary Committee but going nowhere [on] the Senate floor. Then, after months of opposition, GOP leaders agree to clear some of the backlog and long-stalled nominees sail through virtually unopposed. . . . [W]hat has changed is the degree to which obstruction has become standard operating procedure since Obama took office. After four years, Obama has seen about 75 percent of his nominees confirmed. By contrast, the Senate confirmed . . . 88.7 percent of Bush's nominees by this point in [his] presidency.
>
> Two months ago, the Senate went into recess without taking action on 19 judicial nominees, nearly all of whom have support from both parties.

Regrettably, the Senate has not been allowed to make real progress for the American people by reducing the number of judicial vacancies. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. There are now more than 80 vacancies once again.

In stark contrast, there were only 29 vacancies at this point in President George W. Bush's first term and we had lowered vacancies during those four years to 28, not the 83 at which they stand today. When George W. Bush was President, we routinely considered four to six judges per week. In 2002, we confirmed 18 judges in 1 day. That is what it takes to make real progress. The Senate should proceed to consider and confirm all 19 judicial nominations ready for a final vote without further delay.

There is no justification for holding up final Senate action on the 19 judicial nominations that have been approved by the Senate Judiciary Committee and are pending on the Senate Executive Calendar. President Obama has consistently reached across the aisle, consulted with home State Senators from both parties and appointed moderate, well-qualified judicial nominees. Seven of the 19 nominees currently waiting for final Senate consideration are supported by Republican home State Senators. Seventeen of these nominees received bipartisan support in the Judiciary Committee. The Senate should be learning the lesson of the recent elections and working in a bipartisan manner to consider and vote on these nominees. It is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people. Delay for delay's sake is wrong and should end.

Whatever justification Senate Republicans contended they had by resort to their misapplication of the Thurmond Rule to stall judicial nominations before the election is gone. The American people have voted and chosen to reelect President Obama. The President is not a lame duck. He is the President elected and reelected by the American people. It is time for the Senate to vote on his judicial nominees.

From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lame duck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including one very controversial circuit court nominee, in the lame duck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward with those votes. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006, and proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, as well. The reason that I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September.

That is our history and recent precedent. Those across the aisle who contend that judicial confirmations votes during lame duck sessions do not take place are wrong. It is they with their obstruction who are creating a wrong-headed precedent. The Senators from Kentucky, Tennessee, Utah, Iowa, Arizona, Texas, Alabama, South Carolina and Mississippi should all remember the judicial nominees from their home States Democrats moved forward to confirm in lame duck sessions in 2002, 2004 and 2010.

If the Senate will be allowed to vote on these 19 judicial nominees, we can help fill nearly one-quarter of our Nation's Federal judicial vacancies. We can fill almost one-third of all judicial emergency vacancies. Most importantly, we can help hardworking Americans to have better access to justice.

I congratulate Judge Grimm and his family as well as the Senators from Maryland who have continued to press for this day. There is no reason the Senate should not be allowed to vote on the other 18 long-pending judicial nominations. The American people deserve no less.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, for only the fourth time in over 70 years, we will confirm a Federal judge during a lame-duck session in a Presidential election year. According to the Congressional Research Service, the Senate has confirmed judicial nominees during a lame-duck session in a Presidential election year on only three occasions since 1940. It occurred in 1944, 1980, and 2004. So for those who say we are treating this President differently, I would say we have treated him far better than most Presidents have been.

This year we have already confirmed 31 District Judges and five circuit judges. That meets or exceeds the confirmations for Presidential election years in recent memory.

That is more confirmations than we did in 2008; it exceeds the district confirmations in 2004 and ties the circuit confirmations for that year. It is the same number of district confirmations in 2000, and it is considerably more than we confirmed in 1996. So for the past five Presidential election years, this year stands near the top for judicial confirmations.

Yet, despite that record, and despite the fact that we are about to confirm yet another district court nominee, all we hear from the other side are complaints. I must say, it makes it quite difficult to work cooperatively with the other side when, no matter what you do, all you hear are complaints.

Lately we have heard the other side argue that since the President won reelection, we should not follow past

practice, but rather we should confirm a large number of nominations during this lame duck session.

The last time a President was reelected—President Bush in 2004—we heard a different tune from Democrats. That year the other side was in no hurry to confirm President Bush's nominees. In fact, only 3 judicial nominees were confirmed after the November 2004 election. That year, following President Bush's reelection, 23 judicial nominations that were pending either on the Senate Executive Calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December.

Recently one of my colleagues on the other side stated, ''From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed.''

I suppose this is meant to imply there is some long record of routine confirmations following a Presidential election. But that is simply not the case.

Let me tell my colleagues what that means: One Circuit confirmation in 1980 and 3 District confirmations in 2004. That's it. From 1980 through 2008, those four nominations represent the entire list. There were no such confirmations in 1984, 1988, 1992, 1996, 2000, or 2008.

Furthermore, limiting this list to ''reported with bipartisan committee support'' fails to take into account that many judicial nominees in the past administration were subjected to a ''pocket filibuster.'' That means, of course, that they never had a hearing or opportunity to be reported out of Committee. So it is somewhat misleading to suggest the Senate routinely confirms nominees during Presidential lame-duck sessions of Congress.

Again, the last time a President was reelected, only three of his nominees were confirmed following the election. Today we will add to that exclusive list, and the Senate has a time agreement for a vote on a second District nominee before we adjourn.

This afternoon, we are considering the nomination of Paul William Grimm to be United States District Judge for the District of Maryland. With his confirmation, the Senate will have confirmed 159 of President Obama's nominees to the District and Circuit Courts.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and four circuit. This Presidential election year we have exceeded those numbers. We have confirmed five circuit nominees, and Judge Grimm will be the 32nd district judge confirmed. That is a total of 37 judges this year versus 28 in the last Presidential election year.

So once again, I want to set the record straight, and I hope I have done so. Republicans have been more than fair to this President and his judicial nominees.

Judge Grimm received his J.D. degree in 1976, graduating magna cum laude from the University of New Mexico School of Law. He began his legal career serving in the U.S. Army Judge Advocate General, JAG, Corps. After resigning his active duty commission in 1979, he established a general practice law partnership of Daniels and Grimm. In 1980, Grimm left the firm to serve as a prosecutor in the Baltimore County state's attorney's office. In this position, he handled both misdemeanor and felony cases. From 1981 to 1984, Judge Grimm served in the Maryland attorney general's office as the chief of litigation and administration for the Department of Licensing Regulation.

Judge Grimm had his first prolonged stint in private practice serving as an attorney for the firm of Niles, Barton and Wilmer from 1984–1987. He was initially hired as an associate, but was promoted to partner in 1985. At Niles, Barton and Wilmer, he handled products liability cases, fidelity and surety cases, general tort cases, professional malpractice cases, and construction cases. In 1987, he joined Jordan, Coyne, Savits and Lopata as the managing partner of the Baltimore Branch. In 1991, he returned to Niles, Barton and Wilmer when Jordan, Coyne closed its Baltimore office.

Throughout his time in private practice, his typical clients included government agencies, insurance companies, private corporations, partnerships, law firms, accounting firms, and individuals.

In 1997, the U.S. District Judges for the District of Maryland appointed Judge Grimm to be a United States Magistrate Judge. In 2006, he was elevated to Chief United States Magistrate Judge.

Judge Grimm has served as an Adjunct Professor of law at the University of Maryland, Francis King Carey School of Law, 1990–present, and at the University of Baltimore School of Law, 1997–present. The American Bar Association's Standing Committee on the Federal Judiciary has rated him unanimous well qualified.

I support this nomination and congratulate Judge Grimm.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I am pleased to join with Senator MIKULSKI in recommending to the Senate the confirmation of Judge Paul William Grimm of Maryland to be a U.S. district judge for the District of Maryland.

I am very proud of the process Senator MIKULSKI has instituted for making recommendations to the President to fill judicial appointments. I believe that under this process, we are able to get the very best to recommend to the President and then to our colleagues for confirmation. Judge Grimm clearly falls within this line.

The Senate Judiciary Committee favorably reported Judge Grimm's nomination by a voice vote on June 7 of this year. Judge Grimm was nominated to fill the vacancy that was created in Maryland when U.S. District Judge Benson E. Legg took senior status in June.

Judge Grimm brings a wealth of experience to this position. Early in his career he served in the military in the Judge Advocate General's Corps, handled commercial litigation in private practice, and served as an assistant attorney general in Maryland. He also sat as a Federal magistrate judge in Maryland for 15 years.

Judge Grimm was born in Japan and received his undergraduate degree from the University of California in 1973, and graduated from the University of New Mexico School of Law in 1976. Judge Grimm was admitted to the Maryland bar in 1977.

He has strong roots, legal experience, and community involvement in the State of Maryland. Judge Grimm lives with his family in Towson, MD.

After graduating law school, Judge Grimm began his legal career in Maryland as a captain in the United States Army Judge Advocate General's Corps at Aberdeen Proving Ground, MD. He then worked in the Pentagon before heading back to the Baltimore region, alternating between working in private practice and working in the State attorney general's office, while continuing to serve as a U.S. Army JAG Corps officer with occasional stints in the Pentagon.

In 1997 Judge Grimm was selected as a magistrate judge by the judges of the U.S. District Court for the District of Maryland. In 2006, Judge Grimm became the chief U.S. magistrate judge in Baltimore.

In 2009, Chief Justice John Roberts appointed Judge Grimm to serve as a member of the Advisory Committee for the Federal Rules of Civil Procedure. In 2010 he was designated as chair of the Civil Rules Committee's Discovery Subcommittee.

I mention that because it is evident from the Chief Judge's appointment that Judge Grimm is a nationally recognized expert on cutting-edge issues of law and technology. He has written numerous authoritative opinions, books, and articles on the subject of evidence, civil procedure, and trial advocacy. He also continues to inspire the next generation of lawyers by teaching classes at both of our law schools. On several occasions Professor Grimm has been awarded the title of outstanding adjunct faculty member. As a magistrate judge, Judge Grimm has found time not only to teach but to be an outstanding professor. He has shown his commitment in so many ways to public service.

As a magistrate judge, Judge Grimm is responsible for handling criminal matters such as issuing search warrants, conducting preliminary criminal proceedings, and presiding over misdemeanor criminal cases.

Judge Grimm is also responsible for handling civil cases and has presided

over bench and jury trials with the consent of the parties. Judge Grimm has conducted settlement conferences, resolved discovery disputes, and handled other nondispositive matters at the referral of the U.S. district judges.

Judge Grimm has estimated that in his 15 years as a magistrate judge he presided over approximately 50 civil trials, 150 criminal misdemeanor trials, including jury and bench trials. He is well qualified and has the experience necessary to serve on our district court. He received a unanimous rating of well qualified, the highest possible rating for a judicial nominee from the American Bar Association's Standing Committee on the Federal Judiciary. As I previously mentioned, he received a voice vote of confidence from the Judiciary Committee.

I am absolutely confident that Judge Grimm possesses the qualifications, temperament, and passion for justice to make him an outstanding United States District Court judge for the District of Maryland.

I urge my colleagues to vote for his confirmation here on the Senate floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

Ms. MIKULSKI. Mr. President, I rise to speak on the pending nomination of Judge Paul Grimm on which we will vote shortly.

I am so proud to be here to support the nomination of Judge Paul Grimm. He is a stellar Marylander, he has an outstanding legal mind, and he has been nominated to serve on the District Court of Maryland.

Senator CARDIN and I recommended Judge Grimm to President Obama with the utmost confidence in his abilities, talent, and competence for the job. The ABA agreed with us and gave him the highest rating of ''unanimously well qualified.'' I wish to thank Senators REID and MCCONNELL for breaking the logjam so that we could bring this to everyone's attention, and I commend Senator LEAHY for the swift movement through the committee process.

I have had an opportunity to recommend several judicial nominees and I take my advise-and-consent responsibility very seriously. I have four criteria. My nominee must have absolute integrity, judicial competence and temperament, a commitment to core constitutional principles, and a history of civic engagement in Maryland, so the nominee is familiar with the life and times of the people they will adjudicate over. I mention these standards often because I mean it.

Judge Grimm does exactly that. He brings the right hard-working values to the bench, and the necessary experience, having sharpened his legal skills for many years as a litigator, a Judge Advocate General, a lawyer, a JAG officer, an indispensable asset to the District Court of Maryland, and as a chief magistrate judge.

Judge Grimm knows what it means to be of service to the legal profession, to Maryland, and to the country. He is a public servant first and foremost. His father was in the military. Judge Grimm started very early prosecuting courts martial while attending law school on an ROTC scholarship. He then served in the JAG Corps for 3 years beginning at Aberdeen Proving Ground and later at the Pentagon. But it didn't end there. He went on to serve as a Reserve JAG officer for 22 years, ultimately retiring as a decorated lieutenant colonel.

His life and résumé are a display of civic engagement, from his service on numerous bar associations in Maryland, professional organizations, and, at the same time, he was a Boy Scout leader. He also helped young students in high school learn how to do a mock court.

Let's go, though, to his being a good lawyer. Judge Grimm is known as a trailblazer in the Maryland community. He is well respected not only for his extensive writing and teaching but his commitment to the improvement of the practice of law and the administration of justice. He has spent his entire legal career in Maryland, and he is absolutely prepared for service on the court and for the court. He has already served 16 years as a magistrate judge in the District Court of Maryland, and for 6 of those years he has been the chief magistrate.

Prior to taking the bench, Judge Grimm served 13 years as a litigator in private practice and handled primarily civil cases. He was an assistant attorney general for Maryland and a prosecutor in Baltimore County. Also, as my colleagues can see, his experience and service are unparalleled. Most recently, he served on the advisory committee for the Federal Rules of Civil Procedure since 2009 and was later designated as the chair of the Discovery Subcommittee.

He has been honored by the ABA, the Maryland Daily Record, which is a kind of legal paper in Maryland, and he has been twice recognized by the University of Maryland Law School. By every index of what makes a great judge—absolute integrity, judicial temperament, legal experience, well regarded by peers and all who appear before him—I think this is a nominee we want to maintain a constitutional imperative of an independent judiciary, where judges come from the best background and have the best values. It is critical that we have judges who are able to do that, and I hope my colleagues join me in voting for Judge Paul Grimm.

I also hope with the other 19 nominees on the calendar, many of whom have been voice-voted through the committee, we also confirm those during this lameduck session.

Mr. President, I have completed my presentation on the outstanding qualifications of Judge Paul Grimm. I now yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I yield back all time on this side.

Mr. GRASSLEY. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland?

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—92

Akaka	Crapo	Lee
Alexander	DeMint	Levin
Ayotte	Durbin	Lieberman
Barrasso	Enzi	Lugar
Baucus	Feinstein	Manchin
Begich	Gillibrand	McCain
Bennet	Graham	McCaskill
Bingaman	Grassley	McConnell
Blumenthal	Hagan	Menendez
Boozman	Harkin	Mikulski
Boxer	Hatch	Moran
Brown (MA)	Heller	Murkowski
Brown (OH)	Hoeven	Murray
Burr	Hutchison	Nelson (NE)
Cantwell	Inhofe	Nelson (FL)
Cardin	Inouye	Paul
Carper	Isakson	Portman
Casey	Johanns	Pryor
Chambliss	Johnson (SD)	Reed
Coats	Johnson (WI)	Reid
Coburn	Kerry	Risch
Cochran	Klobuchar	Roberts
Collins	Kohl	Rubio
Conrad	Kyl	Schumer
Coons	Landrieu	Sessions
Corker	Lautenberg	Shaheen
Cornyn	Leahy	Shelby

Snowe	Toomey	Webb
Stabenow	Udall (CO)	Whitehouse
Tester	Udall (NM)	Wicker
Thune	Warner	

NAYS—1

Blunt

NOT VOTING—7

Franken	Rockefeller	Wyden
Kirk	Sanders	
Merkley	Vitter	

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the previous order with respect to treaty document 112–7, the vote on ratification will occur at 2:15 Tuesday, tomorrow, December 4, with all the provisions of the previous orders remaining in effect. What this does is rather than having the vote at noon on the disability treaty, we would have it after our caucus.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the motion to reconsider is considered made and laid on the table.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We hope cloture will be voted now. We have disposed of 119 amendments to this bill. I talked to the majority leader, and if we do vote cloture tonight, which of course Senator MCCAIN and I hope we will, we are still going to try to clear some additional amendments using the same process we have used up to now. We would hope we could clear some additional amendments right up to the time of final passage. Hopefully we can get to final passage tomorrow at some point.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3254, a bill 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.

Harry Reid, Carl Levin, Kay R. Hagan, Barbara A. Mikulski, Tom Udall, Jeff Merkley, Al Franken, Tom Harkin, Jon Tester, Richard Blumenthal, Jeff Bingaman, Patrick J. Leahy, Robert P. Casey, Jr., Amy Klobuchar, Max Baucus, Michael F. Bennet, Mark Begich, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that the debate on S. 3254, a bill 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—93

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

NOT VOTING—7

Franken	Rockefeller	Wyden
Kirk	Sanders	
Merkley	Vitter	

The PRESIDING OFFICER. On this vote the yeas are 93, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 2923, AS MODIFIED, 2943, 2997, AS MODIFIED, 3023, 3121, AS MODIFIED, 3142, 3144, 3172, AS MODIFIED, 3276, 3298, 3278, AS MODIFIED, 2996, AND 3047, AS MODIFIED

Mr. LEVIN. Madam President, I call up a list of 13 amendments which have been cleared by myself and Senator MCCAIN: Coats amendment No. 2923, as modified by the changes at the desk; Webb amendment No. 2943; Casey amendment No. 2997, as modified by the changes at the desk; Cardin amendment No. 3023; Wicker amendment No. 3121, as modified by the changes at the desk; Portman amendment No. 3142; Webb amendment No. 3144; Corker amendment No. 3172, as modified by the changes at the desk; Lieberman amendment No. 3276; Lautenberg amendment No. 3298; Blunt amendment No. 3278, as modified by the changes at the desk; Rockefeller amendment No. 2996; and Reid of Nevada amendment No. 3047, as modified by the changes at the desk.

Mr. MCCAIN. They have been cleared by our side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2923, AS MODIFIED

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

SEC. 314. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) MILITARY INSTALLATION DEFINED.—In this section, the term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.

AMENDMENT NO. 2943

(Purpose: To make Department of Defense law enforcement officers eligible under the Law Enforcement Officers Safety Act)

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

SECTION 1084. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest'';

(B) in subsection (d), by striking ''as a law enforcement officer'' and inserting ''that identifies the employee as a police officer or law enforcement officer of the agency''; and

(C) in subsection (f), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''that indicates'' and inserting ''that identifies the person as having been employed as a police officer or law enforcement officer and indicates''; and

(ii) in paragraph (2)(A), by inserting ''that identifies the person as having been employed as a police officer or law enforcement officer'' after ''officer''.

AMENDMENT NO. 2997, AS MODIFIED

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) FUNDING.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from amounts authorized to be appropriated for operations and maintenance for the National Guard for that fiscal year.

''(f) STATE DEFINED.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and any territory of the United States.''.

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

''1144a. Transition Assistance Advisors.''.

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

AMENDMENT NO. 3023

(Purpose: To include the Coast Guard in the requirements relating to hazing in the Armed Forces)

On page 139, line 3, add at the end the following: ''Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.''.

AMENDMENT NO. 3121, AS MODIFIED

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

SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking ''EXCEPTION.—The Chief'' and inserting the following: ''EXCEPTIONS.—

''(1) EXEMPTION AUTHORITY.—The Chief''; and

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

''(2) The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A), if the Chief Information Officer determines that the exemption is in the best interest of national security.''

AMENDMENT NO. 3142

(Purpose: To require a report on Department of Defense support for United States diplomatic security)

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

SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited

to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 3144

(Purpose: To amend section 704 of title 18 United States Code)

At the end, add the following:

DIVISION E—STOLEN VALOR ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Stolen Valor Act of 2012''.

SEC. 5002. FINDINGS.

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

SEC. 5003. MILITARY MEDALS OR DECORATIONS.

Section 704 of title 18, United States Code, is amended to read as follows:

''§ 704. Military medals or decorations

''(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

''(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—For purposes of this subsection, the term 'tangible benefit or personal gain' includes—

''(A) a benefit relating to military service provided by the Federal Government or a State or local government;

''(B) public or private employment;

''(C) financial remuneration;

''(D) an effect on the outcome of a criminal or civil court proceeding;

''(E) election of the speaker to paying office; and

''(F) appointment to a board or leadership position of a non-profit organization.

''(c) DEFINITION.—In this section, the term 'Armed Forces of the United States' means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.''.

SEC. 5004. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

AMENDMENT NO. 3172, AS MODIFIED

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

SEC. 1233. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

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

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

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

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

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

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria's political opposition.

(d) FORM.—The reports required by this section may be submitted in a classified form.

AMENDMENT NO. 3276

(Purpose: To authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution)

At the end of division A, add the following:

TITLE XVIII—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION

SEC. 1801. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 1802. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means the parcel of land—

(i) identified as ''Area I''; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) EXCLUSION.—The term ''Federal land'' does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) MEMORIAL.—The term ''memorial'' means the memorial authorized to be established under section 3(a).

SEC. 1803. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 1804. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

AMENDMENT NO. 3298

(Purpose: To express the sense of Congress on health care for retired members of the uniformed services)

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

SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

AMENDMENT NO. 3278, AS MODIFIED

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

SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

(a) It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

AMENDMENT NO. 2996

(Purpose: To authorize certain maritime programs of the Department of Transportation, and for other purposes)

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''.

AMENDMENT NO. 3047, AS MODIFIED

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

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

Mr. LEVIN. I yield the floor and thank all our colleagues for their cooperation. We will continue until vote on final passage, which we expect tomorrow, to clear additional amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we continue, after a few hours' pause today because of the objection of one Senator by long distance. But I am very confident, with the cooperation of our colleagues, we can finish this amendment process tomorrow, and I hope we can have the cooperation of all our colleagues.

We have tried very hard to make sure every amendment gets consideration and is brought up. We have now approved well over 100 amendments, and I think most Members have had at least one amendment approved so far. So I hope we can continue the cooperation and we can finish this bill tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Tomorrow, a vote is scheduled on the Convention on the Rights of Persons with Disabilities, and I would like to take a few minutes to talk about the upcoming vote.

The first thing I think we ought to understand is this is not anybody's treaty. It is not President Obama's treaty. It is not JOHN KERRY's treaty. It is not even Bob Dole's treaty, although he certainly is the person who has been deeply involved.

The vote on the treaty is the right thing to do on its merits. It is important to note a list of veterans groups in support.

I have not forgotten that 36 Republicans signed a letter opposing consideration of any treaty during the lameduck, but there is no reason we shouldn't have a vote. The letter says they would oppose consideration, but we did have the motion to proceed. Some may be worried about passing a treaty in the lameduck session. The argument has no basis in the Constitution or Senate practice. Since the 1970s alone, the Senate has approved treaties during lameduck sessions a total of 19 times. There is nothing special or different about lameduck sessions. So I would like to address a few of the misconceptions about the treaty that I keep hearing.

It is true that the treaty establishes a committee, but that committee has exceedingly limited powers. It can review reports submitted by countries on the steps they have taken to implement the convention, and it can make nonbinding recommendations for additional steps, and that is it, nothing else. It can't require our Federal or State governments or courts to take any action. There is no threat to the United States or our sovereignty from the committee.

With respect to abortion, this is a disabilities treaty. It has nothing to do with abortion and doesn't change our law on abortion in any way. Trying to turn this into an abortion debate is wrong on substance and bad politics.

I have heard people say that ratifying the disabilities convention would take decisions out of parents' hands and let the U.N. or the Federal Government decide what is best for our children. That is just wrong. The treaty doesn't give the Federal Government or any State government new powers with regard to children with disabilities. The treaty cannot be used as a basis for a lawsuit in State or Federal court.

Former Attorney General Dick Thornburgh made this crystal clear in his testimony before the Senate Foreign Relations Committee and in every conversation that I have had with him. I wouldn't support the treaty if it were any other way.

So let's take a step back and look at how this looks if America rejects this treaty. China has joined. Russia has joined. We are the country that set the standards on rights of the disabled. We want everybody to play by international rules. We lose credibility if we turn around and refuse to participate

in a treaty that merely asks other nations to live up to our standards and our rules.

We received a letter from the blind Chinese dissident Chen Cuangcheng talking about the plight of the disabled around the world and what a strong message it would send if the United States ratified this treaty. There is no reason we can't say we lived up to our obligations. We need to step up and do the right thing—for Bob Dole and our veterans throughout the world.

I ask unanimous consent to have printed in the RECORD a copy of a letter from the internationally known blind Chinese dissident who, thank God, miraculously recently left China through the efforts of our State Department and our government.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NOVEMBER 26, 2012.

Hon. JOHN KERRY,
Chair, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.
Hon. RICHARD LUGAR,
Ranking Member, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATORS, I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities (CRPD). As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world today. Worldwide, there are over 1 billion people with disabilities—and 80% of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook.

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

Sincerely,

CHEN GUANGCHENG.

Mr. MCCAIN. I will read from his letter:

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect, and dignity for people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

And he concludes:

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

I couldn't say it with any more passion nor any more authority.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. BROWN of Ohio. Madam President, I rise to address an issue that concerns families and children and veterans and so many children in North Carolina and Ohio and around the country and around the world. I rise for millions of Americans, family members friends, loved ones, and colleagues who experience some level of disability.

People living with disabilities have long been isolated, pushed to the margins of society. An example of that is America's deaf community. The deaf community strongly supports this treaty. Gallaudet University is a university founded in 1864 by an act of Congress, the charter signed by President Lincoln. The university shows that people with disabilities are capable of doing so much more to enrich our culture. I sit on the board, the only Senator in this body who sits on the board of Gallaudet, this great university. It is the only one of its kind in the world. It is close to 150 years old. We know how important it is.

Many students at Gallaudet from other countries want to be able to go home to the same kinds of accessibility they have experienced while studying in the United States, but they do not have it in far too many places. A recent State Department report found that people with disabilities remain one of the groups most at risk of being trafficked. That should spur all of us to do what we can to ensure that every human being has the chance to reach her or his God-given potential.

Yet too many people with disabilities around the world and Americans abroad lack this protection. This includes being forced into low-wage employment, being forced to beg for meals, being less likely to have access to transportation and the justice system in whatever country they happen to be located.

In America, we fought to pass the Americans With Disabilities Act, and we lead the world in services and accessibility for disabled people. We passed it because democracy is only as vibrant as it is open to the participation of all citizens. That is why I was proud to cosponsor critical amendments to the ADA, the Americans With Disabilities Act, to make the definition of disability more inclusive. We fought hard for the ADA Amendments Act of 2008 because access to a good-paying job, to public transportation, to public accommodation should be universal.

Some detractors say Americans are taken care of here at home; why should we worry about discrimination that disabled people in other countries might suffer? Dr. King wrote in ''Letter from the Birmingham Jail'' that:

Injustice anywhere is a threat to justice everywhere.

He explained that:

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

If we are to maintain our global leadership, if we believe in American exceptionalism, and if we are to strengthen our moral leadership, then surely we must ratify treaty No. 112–7 in support of the Convention on the Rights of Persons with Disabilities.

This is not a liberal or conservative issue. It is not a Republican or Democrat issue. This is a cause for people who fight for what is right. That is why some 300 organizations support ratification, including the Leadership Conference on Civil and Human Rights, the Wounded Warrior Project, the Hindu American Foundation, the Islamic Society of North America, the Jewish Federation of North America, the National Catholic Social Justice Lobby, the African Methodist Episcopal Church, and Veterans of Foreign Wars.

Let me share a couple letters. Bernard from Franklin County, in the center of my State, wrote:

I am concerned about recent grumblings . . . I have a lot of regard for the ADA and a keen awareness of discrimination against people with disabilities.

When will the Senate take up this U.N. Resolution? What can I do to help convince oppositional Senators that this is an important and necessary resolution for people with disabilities, especially our Nation's veterans?

Bernard, my colleague on the other side of the aisle, Senator MCCAIN, former majority leader Bob Dole, both of whom served our country honorably in the Armed Forces, and 21 veterans organizations agree with you. Senator MCCAIN wrote: ''Ratifying this treaty affirms our leadership on disability rights and shows the rest of the world our leadership commitment continues.''

This should be an opportunity for all Americans to come together and show the world we are committed to ensuring the basic dignity of every human being.

An advocate for people with disabilities, Deborah Kendrick of Cincinnati, recently wrote that supporting the U.N. Convention on the Rights of Persons with Disabilities is ''the good old-fashioned right thing to do.''

She is absolutely right. The CRPD is an antidiscrimination treaty, a civil rights issue, a human rights issue. It embraces the values of our own Americans with Disabilities Act.

It will not affect U.S. law and does not infringe upon U.S. sovereignty. Ratifying this treaty does allow us to reassert our leadership globally on disability rights. It will give us a seat at the table as parties to the convention grapple with how best to implement it. This treaty is important for Americans with disabilities, including soldiers and veterans when they work abroad, study abroad or simply travel abroad. That is why I urge my colleagues to join in ratifying this treaty, to stand up for people with disabilities in Ohio, throughout America, and around the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

DAVID BETTS DOUBLE PLAY DIAMOND

Mr. BROWN of Ohio. Madam President, I rise to commemorate the grand opening of the David Betts Double Play Diamond, which will take place a week from today in Bryan, OH.

As the result of a community's commitment to working together, an unused farm field will soon cultivate the next generation of Bryan-area baseball players—nourishing friendships and supporting sportsmanship.

This new indoor field in Williams County honors the life of an extraordinary young Ohioan.

David Betts would have been 26 years old on December 10, 2012, the day that this field will open for members of the entire Bryan community to enjoy.

David, the beloved son of John and Joy, died in a March 2007 motorcoach accident along with other members of the Bluffton University baseball team in Atlanta, GA.

He was a graduate of Bryan High School.

After this tragedy, John and Joy Betts made a promise that David's death—and the loss of four other players and the bus driver and his wife—would not be in vain.

Out of the Bluffton bus tragedy—and other tragedies like it—Senator HUTCHISON and I introduced the Motorcoach Enhanced Safety Act—to help prevent the loss of life on our nation's roadways.

President Obama signed the bill into law earlier this year to ensure that tour buses are equipped with seatbelts, stronger roofs, safer windows, and drivers that are better trained.

This safety bill was written with the support of the Betts Family, the Bryan community, and a national community of people who have lost loved ones in motorcoach crashes.

Some 5 years later, this close-knit Ohio community also has a tangible monument in memory of one of their sons.

May the David Betts Double Play Diamond serve as a remembrance to this wonderful young man and help this community continue to heal and move forward.

HONOR FLIGHT OF NORTHERN COLORADO

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the military service of a group of remarkable Coloradans. At critical times in our Nation's history, these veterans played a role in defending the world from tyranny, truly earning their reputation as guardians of democracy and peace through their service and sacrifice. Now, thanks to an organization dedicated to honoring those who have defended us abroad, these great Coloradans have come to Washington, D.C. to visit the national memorials built to honor their service, to share their experiences with later generations, and to pay tribute to those who gave their lives. It was an honor to have them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to say a word about the volunteers from Honor Flight of Northern Colorado who made this trip possible. They are great Coloradans in their own right, and their mission to bring our Northern Colorado veterans to Washington, D.C. is truly commendable. They have been doing great work since their inception in 2008 and their flight in September brought another group of American heroes to Washington, D.C. The volunteers of Honor Flight of Northern Colorado believe our veteran heroes aren't asking for recognition, but they certainly deserve it. This opportunity to come to Washington is just a small token of appreciation for those who gave so much.

I want to publicly recognize the members of the Northern Colorado Honor Flight who are visiting their Nation's capital today, many seeing for the first time the memorials that stand as a tribute to their selfless service. These Coloradans risked their lives to defend freedom, and they have earned our deepest respect. I rise today to thank the veterans of Northern Colorado Honor Flight, and pause to remember those who laid down their lives for us all. I would like to read the names of all those who made this visit to our Nation's capital and to each of them, I say thank you.

Veterans from World War II include:

Willard Bauer, Robert Bell, Edward Coleman, Floyd Ewing, Albert Fairweather, Marvin Fowler, Elwyn Frazier, Robert Fulton, William Garcia, Edward Glover, Herold Hettinger, Raymond Holiday, Buford Johnson, William Kammlade, Donald Lawless, Russell Maxwell, Dale Norwood, Philip Owen, Paul Painter, George Parker, Theodore Pratt, Henry Redd, Kenneth Robb, Harley Rouze, Harold Scatterday, Dean Severin, Leonie Shannon, Keith Simons, Jacob Stieb Jr., Howard Teague, Margaret Thompson, Charles Vogel, Thomas Weathers, Victor Weidmann, Milo Whitcomb, John Williams, and Quentin Younglund

Veterans from the Korean War include:

Bobby Andersen, Emmett Achuletta, Donald Armagost, Robert Arnbrecht, Gary Beverlin, Stanley Black, Ronald Brasseur, Earl Buckendorf, Robert Buttner, Donald Campbell, Clarence Carnes, Jerald Clark, Robert Clayton, Keith Coates, Kenneth Comin, Victor Crenshaw, Dean Daggett, Lester Edgett, Arnold Engele, Roy Erickson, William Erickson, Bernard Erthal, Donald Fenske, Donald Fickenscher, Russell Foster, Franklin Fronek, Porfelio Garbiso, Wiliam Goble, Carl Goeglein, Delbert Gorsline. George Gray, Kenneth Hoff, Robert Hull, Robert Jones Jr., George Knaub, Arthur Kober, John Leach, Roger London, Willard Loose, Joseph Lopez, Arthur Lukemire, Charles Mahoney, Eathon Marr, Vernon Marston, Robert Martin, George Maxey, Loren Maxey, and Albert Melcher

Veterans who served in Vietnam include:

Leonard Beutelspacher, John Gruver, Gaylord Mekelburg, and Cloyd Rael.

And from the War in Iraq:

Marshall Spring

Our Nation asked a great deal of these individuals. They left their families to fight in distant lands against our nation's enemies. And each of these brave Coloradans bravely answered the call, placing themselves between this country and harm. They served our country through dangerous times, when democratic nations and ideals around the world were threatened, and they saved millions of people from falling to fascism and tyranny.

Please join me in thanking these American veterans and the volunteers of Honor Flight of Northern Colorado for their tremendous service to an eternally grateful nation.

REMEMBERING LARRY HAGMAN

Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Larry Hagman, who passed away

last week in Dallas at the age of 81. Like most Americans and millions around the world, I knew Larry Hagman as J.R. Ewing, the best loved villain in television history. But I was also fortunate to know Larry as a passionate advocate and friend, and I will miss him.

J.R. was larger than life, but Larry Hagman's life was much more than his most famous character. He was a devoted family man, a true friend, and an active citizen who worked with me to ensure that our families are protected from pollution and toxins. He also worked for years to fight lung cancer and promote alternative energy. His tireless commitment to improving his community and country continued until the very end of his extraordinary life. Just last month he launched the Larry Hagman Foundation to promote the educational benefits of theater, visual arts, music and dance and to fund organizations providing these instructional programs for low-income children.

Born in Fort Worth, Larry was brought up by his maternal grandmother in Los Angeles. After attending a series of boarding schools, he moved back to Texas to live with his father, attorney Benjamin Hagman, whose clients later helped shape the character of J.R. Ewing. In 1951, Larry's mother—the great stage actress Mary Martin—got him a small role in the London production of South Pacific. A year later, Larry joined the Air Force and stayed in Europe as a director of USO theatrical shows.

After working in New York theater and television, Larry Hagman became a TV star in the 1960s as Major Tony Nelson in the popular comedy series ''I Dream of Jeannie.'' In the 1970s, he appeared in numerous movies and television shows before landing the role of a lifetime on the primetime soap opera ''Dallas.''

As the charming and conniving businessman J.R. Ewing, Larry Hagman was the best-known television actor on earth. In 1980, between two seasons of ''Dallas,'' hundreds of millions of fans in 57 countries anxiously awaited the answer to the most famous question in TV history: ''Who Shot J.R.?'' Last year, Larry returned to television to begin a new series of ''Dallas,'' which became a hit on the TNT network; he was at work on the new season when he died.

On behalf of the people of California and Larry's millions of fans and admirers, I send my appreciation and condolences to his wife, Maj; his children, Preston and Kristina; and his five granddaughters. I know that they—and all of us—will miss this marvelous man.

ADDITIONAL STATEMENTS

STOCKTON GURDWARA 100TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of the Stockton Gurdwara, the first Sikh temple in the United States.

In the 1890s, the first Sikh immigrants, mostly from Punjab in northwestern India, arrived at Angel Island Immigration Station. These pioneering immigrants had crossed the vast Pacific and came to the shores of California in hopes of a better and freer life.

The San Joaquin Valley of California, with its Mediterranean climate and abundance of fertile soil and arable land reminded the new immigrants of their native Punjab, and became a place where many of them settled to raise crops that were native to Punjab.

A tight-knit community, the Sikh residents of the San Joaquin Valley formed a committee to raise money for a temple. In September 1912, a plot of land was purchased on South Grant Street in Stockton to build the first Sikh temple in the United States. When the temple was consecrated on November 22, 1915, the Stockton Record reported that it was celebrated with impressive ceremonies. The Stockton Gurdwara became the birthplace of Sikhism in America.

Over the past century, the Stockton Gurdwara has been a site of both religious and historical significance. It was home to America's first Punjabi-language newspaper and to the Ghadar Party, which supported Indian independence for decades before it was achieved. Bhagat Singh Thind, a civil rights advocate and the first Sikh to serve in the United States Army during World War I, and Dalip Singh Saund, the first Asian American elected to Congress, were members of the Stockton Gurdwara.

Today, the Stockton Gurdwara remains the spiritual home to generations of Sikh Americans in the San Joaquin Valley. It also stands as a testament to the rich history, invaluable contributions, and progress of the Sikh community in America.

I congratulate the Stockton Gurdwara on its 100th anniversary and wish its members continued success.•

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6429. An act to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8375. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8376. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8377. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia, Singapore, and/or Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC–8378. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–8379. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2012–1740); to the Committee on Foreign Relations.

EC–8380. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants'' (Regulatory Guide 1.82) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC–8381. A communication from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2012; to the Committee on Environment and Public Works.

EC–8382. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Foundation's fiscal year 2012 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8383. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8384. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Uniform Resource Locator (URL) address for the Department of Veterans Affairs 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8385. A communication from the Chairman of the United States Holocaust Museum, transmitting, pursuant to law, the Museum's fiscal year 2012 Report on Audit and Investigative Activities; to the Committee on Homeland Security and Governmental Affairs.

EC–8386. A communication from the Treasurer of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8387. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled ''Federal Election Commission 2012 Performance and Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–8388. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8389. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8390. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Service's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8391. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8392. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8393. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8394. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for South Atlantic Red Snapper, Gag, and South Atlantic Shallow-Water Grouper'' (RIN0648–XC332) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8395. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska Management Area'' (RIN0648–XC346) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8396. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC344) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska Management Area'' (RIN0648–XC333) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A'' (RIN0648–XC156) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8399. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Compatibility with Consumer Electronics Equipment'' (MB Docket No. 11–169; PP Docket No. 00–67, FCC 12–126) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, Knox City, Rule, and Quanah, Texas)'' (MB Docket No. 08–97; RM–11428) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–133. A resolution adopted by the House of Representatives of the State of Michigan memorializing the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging harbors of refuge and repairing and maintaining seawalls of harbors of refuge in Michigan; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 325

Whereas, Regular dredging and maintenance and repair of breakwater seawalls is needed to keep recreational harbors open to boaters in Michigan and the other Great Lakes states. Natural shoaling exacerbated by continued low lake levels has left many recreational harbors too shallow for boaters to enter safely, which is jeopardizing charter fishing operations, local communities, and other businesses that depend on boating. Portage Lake Harbor, Leland Harbor, and Arcadia Harbor are just a few of the fifteen Great Lakes harbors of concern that are dangerously shallow for boaters; and

Whereas, Not only is dredging and maintenance and repair of breakwater seawalls needed to accommodate recreational boaters, but also to provide safe harbor to all types of boaters, including commercial shippers. Maintaining harbors of refuge is a requirement to ensure that our obligation of providing safe shipping lanes for trade is met. With Portage Lake Harbor being one of the four Michigan harbors of refuge along the western side of the state and one of the thirteen statewide, it is a necessity that it be maintained and dredged to a proper depth; and

Whereas, The federal budget did not include funding for dredging harbors of refuge and maintenance and repair of breakwater seawalls of harbors of refuge maintained in the past by the United States Army Corp of Engineers. This lack of funding will cripple the Great Lakes recreational boating and charter fishing industry, impacting millions of boaters, businesses, and communities that they support. Because no funding has been provided, local Great Lakes communities have had to acquire private funding to be able to keep tourism alive during the boating season; and

Whereas, The U.S. Army Corps of Engineers never completed a replacement seawall at Portage Lake Harbor begun in 2003. The seawall is now undermined, further narrowing the shipping channel. The Army Corps has designated the seawall as facing ''imminent failure''; and

Whereas, It is necessary, for the safety of commercial shippers and all other Great Lakes traffic, to maintain harbors of refuge and, therefore, it should be deemed worthy to appropriate funds from the federal Harbor Maintenance Trust Fund, which holds surplus funds in excess of $8 billion, to Great Lakes harbors. The relatively small federal investment needed to maintain these harbors is insignificant compared to the billions of dollars and thousands of jobs generated; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging harbors of refuge and repairing and maintaining seawalls of harbors of refuge in Michigan, particularly Portage Lake Harbor located in Onekama, MI; and be it further

Resolved, That we call on Congress to include funding for the United States Army Corps of Engineers to rebuild and complete the Portage Lake Harbor seawall; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–134. A resolution adopted by the Senate of the State of Rhode Island urging Congress to pass and send to the states a constitutional amendment permitting state and federal regulation and restriction of independent political expenditures; to the Committee on the Judiciary.

JOINT RESOLUTION S. 2656

Whereas, The growing influence of large independent political expenditures by corporations and wealthy individuals is a great and growing concern to the people of the United States and the State of Rhode Island; and

Whereas, In a democracy the assurance of a fair and uncorrupted election process is of the utmost importance, and the Rhode Island General Assembly believes that it is a legitimate and vital role of government to regulate independent political expenditures by corporations, unions, and wealthy individuals; and

Whereas, In fulfillment of this important role the government of the United States and a majority of states have regulated and restricted independent political expenditures by corporations; and

Whereas, In 2010, the Supreme Court of the United States decided by a bare majority in Citizens United v. Federal Elections Commission that the First Amendment of the Constitution of the United States prohibits restrictions on the use of corporate and union treasury funds for electioneering; and

Whereas, Citizens United was a dramatic reversal of established Supreme Court precedent, and overturned decades of statutes enacted by Congress and numerous state legislatures; and

Whereas, Citizens United has served as precedent for further legal decisions harming our democratic system of government, including SpecchNow.org v. FEC, which allows wealthy individuals to anonymously channel unlimited political expenditures through Super PACs; and

Whereas, In the wake of Citizens United there has been an exponential increase in large independent political expenditures by corporations and wealthy individuals which threatens the integrity of the election process, corrupts our candidates, dilutes the power of individual voters and distort the public discourse; and

Whereas, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to amend their constitution; now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations respectfully urges the Congress of the United States to pass and send to the states for ratification an amendment to the constitution to effectively overturn the holding of Citizens United and it's progeny and to permit the governments of the United States and the several states to regulate and restrict independent political expenditures by corporations and wealthy individuals; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from Rhode Island in the Congress of the United States.

POM–135. A resolution adopted by the House of Representatives of the State of Rhode Island urging Congress to pass and send to the states a constitutional amendment permitting state and federal regulation and restriction of independent political expenditures; to the Committee on the Judiciary.

JOINT RESOLUTION H. 7899

Whereas, The growing influence of large independent political expenditures by corporations and wealthy individuals is a great and growing concern to the people of the United States and the State of Rhode Island; and

Whereas, In a democracy the assurance of a fair and uncorrupted election process is of the utmost importance, and the Rhode Island General Assembly believes that it is a legitimate and vital role of government to regulate independent political expenditures by corporations, unions, and wealthy individuals; and

Whereas, In fulfillment of this important role the government of the United States and a majority of states have regulated and restricted independent political expenditures by corporations; and

Whereas, In 2010, the Supreme Court of the United States decided by a bare majority in Citizens United v. Federal Elections Commission that the First Amendment of the Constitution of the United States prohibits restrictions on the use of corporate and union treasury funds for electioneering; and

Whereas, Citizens United was a dramatic reversal of established Supreme Court precedent, and overturned decades of statutes enacted by Congress and numerous state legislatures; and

Whereas, Citizens United has served as precedent for further legal decisions harming our democratic system of government, including SpeechNow.org v. FEC, which allows wealthy individuals to anonymously channel unlimited political expenditures through Super PACs; and

Whereas, In the wake of Citizens United there has been an exponential increase in large independent political expenditures by corporations and wealthy individuals which threatens the integrity of the election process, corrupts our candidates, dilutes the power of individual voters and distort the public discourse; and

Whereas, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to amend their constitution; now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations respectfully urges the Congress of the United States to pass and send to the states for ratification an amendment to the constitution to effectively overturn the holding of Citizens United and it's progeny and to permit the governments of the United States and the several states to regulate and restrict independent political expenditures by corporations and wealthy individuals; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from Rhode Island in the Congress of the United States.

POM–136. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas urging the Congress of the United States to extend equal benefits and compensation for the treatment of Agent Orange exposure to Vietnam era veterans who served outside of Vietnam; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 5016

Whereas, Thousands of veterans of the Vietnam War suffer from the effects of exposure to Agent Orange, a powerful and toxic defoliant used to clear areas of dense vegetation used as enemy hideouts; and

Whereas, Agent Orange exposure causes a variety of devastating health effects, such as increased rates of cancer, immune system disorders and genetic maladies which lead to birth defects in the children of those exposed; and

Whereas, Although the use of Agent Orange is most commonly associated with the country of Vietnam, it was also used extensively in surrounding areas such as Thailand; and

Whereas, Many veterans affected by exposure to Agent Orange proudly and bravely served their country without ever actually setting foot in Vietnam itself; and

Whereas, These veterans are struggling to obtain the same medical benefits and compensation to deal with their exposure as those who served on the ground in Vietnam: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Congress of the United States is urged to work with the Department of Veterans Affairs to ensure that Vietnam era veterans who served in support of the Vietnam War are able to receive the same medical benefits and compensation for the treatment of Agent Orange exposure as those who served within the country's borders.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 2038, An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes (Rept. No. 112–244).

ADDITIONAL COSPONSORS

S. 823

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 823, a bill to permit aliens who lawfully enter the United States on valid visas as nonimmigrant elementary and secondary school students to attend public schools in the United States for longer than 1 year if such aliens reimburse the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 2318

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2318, a bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3199

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from West

Virginia (Mr. MANCHIN) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3274

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3274, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes.

S. 3636

At the request of Mr. BLUMENTHAL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3636, a bill to provide increased consumer protections for gift cards.

S. 3638

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3638, a bill to establish an Office of Entrepreneurial Support within the Small Business Administration, and for other purposes.

S. 3649

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3649, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

S. 3650

At the request of Mr. UDALL of Colorado, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3650, a bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

AMENDMENT NO. 3006

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3006 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3013

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3013 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3049

At the request of Mr. UDALL of New Mexico, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3049 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3054

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 3054 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3095

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3095 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3165

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 3165 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3174

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3174 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3176

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3176 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3192

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3192 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3193

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 3193 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3218

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3218 proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3253

At the request of Mr. WICKER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 3253 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3259

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3259 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3265

At the request of Mrs. BOXER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 3265 intended to be proposed to S. 3254, an original bill 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.

AMENDMENT NO. 3276

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3276 proposed to S. 3254, an original bill 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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3293. Mr. MCCAIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3054 proposed by Mr. MCCAIN 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.

SA 3294. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2935 submitted by Mr. WICKER and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3295. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3296. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2941 submitted by Mr. BLUMENTHAL and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3297. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3015 proposed by Mr. BLUMENTHAL to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3298. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3300. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3301. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3302. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3303. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3304. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. TESTER and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3305. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3216 submitted by Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3306. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3307. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3308. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3293. Mr. MCCAIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3054 proposed by Mr. MCCAIN 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:

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

SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

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

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

''(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.''.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

SA 3294. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2935 submitted by Mr. WICKER and intended to be proposed 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:

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

SEC. 526. REPORT ON COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the custody of military remains. The report shall include the following:

(1) An update on the efforts of the Department of Defense to ensure accountability of all military remains beginning with the initial recovery of the remains until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482 of title 10, United States Code, to direct disposition of the remains.

(2) An identification of the responsible authority at each stage of the process of the handling of military remains.

(3) Such recommendations for legislative action, if any, as the Secretary considers appropriate to ensure a defined chain of custody for all military remains.

SA 3295. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any)

by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

SA 3296. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 2941 submitted by Mr. BLUMENTHAL and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, at the end, add the following:

SEC. 1085. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery that the American Battle Monuments Commission and the Secretary of the Army decided under such section will become a permanent cemetery and the Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the enactment of this Act shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

SA 3297. Ms. AYOTTE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3015 proposed by Mr. BLUMENTHAL to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, at the end, add the following:

SEC. 1085. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery that the American Battle Monuments Commission and the Secretary of the Army decided under such section will become a permanent cemetery and the Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the enactment of this Act shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

SA 3298. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 704. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

SA 3300. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following new section:

SEC. _____.

This Act shall become effective one day after enactment.

SA 3301. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed 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 1, strike line 10 and all that follows through page 2, line 9, and insert ''shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.''.

SA 3302. Mr. REED submitted an amendment intended to be proposed to amendment SA 3014 submitted by Mr. REED and intended to be proposed 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:

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

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

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

''(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.''.

SA 3303. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed 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:

AMENDMENT NO. 3303

At the appropriate place insert the following:

Sense of Congress:

(1) It is the sense of the Congress that the Secretary of the Navy, in supporting the

operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy.

(2) For retirements of ships owned by the U.S. Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional defense committees how the retention of each ship would degrade the overall readiness of the fleet and endanger U.S. national security and the objectives of the combatant commanders.

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

SA 3304. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3263 submitted by Mr. TESTER and intended to be proposed to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines __ and __, insert the following:

TITLE XXXVI—HUNTING, FISHING, AND RECREATIONAL SHOOTING

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Sportsmen's Act of 2012''.

Subtitle A—Hunting, Fishing, and Recreational Shooting

PART I—HUNTING AND RECREATIONAL SHOOTING

SEC. 3611. MAKING PUBLIC LAND PUBLIC.

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking ''SEC. 3. APPROPRIATIONS.—Moneys'' and inserting the following:

''SEC. 3. FUNDING.

''(a) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(b) PRIORITY LIST.—

''(1) IN GENERAL.—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

''(2) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

''(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.''.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460*l*–5(c)(2)), by striking ''notwithstanding the provisions of section 3 of this Act'';

(B) in the first sentence of section 9 (16 U.S.C. 460*l*–10a), by striking ''by section 3 of this Act''; and

(C) in the third sentence of section 10 (16 U.S.C. 460*l*–10b), by striking ''by section 3 of this Act''.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking ''section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6)'' and inserting ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.)''.

SEC. 3612. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

''(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen's Act of 2012.''.

SEC. 3613. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes $38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT

SEC. 3621. TARGET PRACTICE AND MARKSMANSHIP TRAINING.

This part may be cited as the ''Target Practice and Marksmanship Training Support Act''.

SEC. 3622. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3623. DEFINITION OF PUBLIC TARGET RANGE.

In this part, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 3624. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

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

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(2) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

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

(B) by striking ''(c) APPORTIONMENT'' and inserting ''(d) APPORTIONMENT''.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking ''section 4(d)'' and inserting ''section 4(e)''.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking ''sections 4(d) and (e)'' and inserting ''section 4(e)''.

SEC. 3625. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

PART III—FISHING

SEC. 3631. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

Subtitle B—National Fish Habitat

PART I—NATIONAL FISH HABITAT

SEC. 3641. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 3642(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 3644; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 3643(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 3642. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 3643; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 3643. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 3644. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 3645. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this part;

(4) assist the Secretary in carrying out the requirements of sections 3646 and 3648;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 3649;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 3653.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 3644(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 3646. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 3647. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

SEC. 3648. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

SEC. 3649. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 3644(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 3644(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 3644(b) that was based on a factor other than the criteria described in section 3644(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 3650. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

SEC. 3651. EFFECT OF PART.

(a) WATER RIGHTS.—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 3652. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 3653. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 3644(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 3649, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 3645(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 3646—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

PART II—DUCK STAMPS

SEC. 3661. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as ''duck stamps'') were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since its inception, the Federal duck stamp program has—

(A) generated more than $500,000,000;

(B) preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) been called one of the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost $1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of $15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5)(A) with the price unchanged during the 20-year period preceding the date of enactment of this Act, duck stamps have lost 40 percent of their value based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of $306 to $1,091 per acre; and

(B) a duck stamp would need to cost more than $24 as of the date of enactment of this Act just to maintain the earlier buying power of the stamp.

SEC. 3662. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

''(b) COST OF STAMPS.—

''(1) IN GENERAL.—For the 5-fiscal-year period beginning with fiscal year 2014, and for each 5-fiscal-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section, which amount shall not exceed $25 for the first such 5-fiscal-year period and $30 for any subsequent period.

''(2) COLLECTION OF AMOUNTS.—The Postal Service or the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

''(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund available for obligation and attributable to—

''(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

''(B) the sale of stamps under this section during that fiscal year.''.

SEC. 3663. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting ''and subsection (d)'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

''(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).''.

SEC. 3664. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term ''actual stamp'' means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the ''Duck Stamp Act''), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term ''automated licensing system'' means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term ''automated licensing system'' includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term ''electronic stamp'' means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS

SEC. 3671. PURPOSES.

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the ''Joint Ventures Program'', in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

SEC. 3672. DEFINITIONS.

In this part:

(1) CONSERVATION ACTION.—The term ''conservation action'' means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means an Implementation Plan approved by the Director under section 3672.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term ''Joint Venture'' means a self-directed, voluntary partnership, established and conducted for the purposes described in section 3671 and in accordance with section 3673.

(6) MANAGEMENT BOARD.—The term ''Management Board'' means a Joint Venture Management Board established in accordance with section 3673.

(7) MIGRATORY BIRDS.—The term ''migratory birds'' means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term ''Program'' means the Joint Ventures Program conducted in accordance with this part.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

(11) STATE.—The term ''State'' means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 3673. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

SEC. 3674. ADMINISTRATION.

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 3671.

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) FUNCTIONS AND RESPONSIBILITIES.—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) REVIEW.—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) APPROVAL.—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 3671;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

SEC. 3675. GRANTS AND OTHER ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) LIMITATION.—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 3674.

(c) TECHNICAL ASSISTANCE.—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 3676. REPORTING.

(a) ANNUAL REPORTS BY MANAGEMENT BOARDS.—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 3671;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

SEC. 3677. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 3678. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

PART IV—REAUTHORIZATIONS

SEC. 3681. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 3682. PARTNERS FOR FISH AND WILDLIFE ACT.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking ''2011'' and inserting ''2017''.

SEC. 3683. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

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

''(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

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

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

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

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''; and'' and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

''(A) $20,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

SEC. 3684. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111–241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''6 years''; and

(2) by adding at the end the following:

''(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.''.

SEC. 3685. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''2007 through 2012'' and inserting ''2012 through 2017''.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking ''2006 through 2010'' and inserting ''2012 through 2017''.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking ''2005 through 2009'' and inserting ''2012 through 2017''.

SEC. 3686. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2012 through 2017.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

SEC. 3687. FEDERAL LAND TRANSACTION FACILITATION ACT.

(a) IN GENERAL.—The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking ''on the date of enactment of this Act was'' and inserting ''is'';

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking ''this Act'' and inserting ''the Sportsmen's Act of 2012''; and

(B) in subsection (d), by striking ''11'' and inserting ''24'';

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking ''96–568'' and inserting ''96–586''; and

(ii) by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting ''Public Law 105–263;'' before ''112 Stat.''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3028);

''(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111–11);

''(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111–11);

''(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1108); or

''(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1121).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2013.

SEC. 3688. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003

(Public Law 108–16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and in Louisiana'' and inserting '', the State of Louisiana, and other coastal States'';

(B) in paragraph (2), by striking ''in Maryland and Louisiana on Federal, State, and private land'' and inserting ''on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States''; and

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

''(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

''(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States''; and

(2) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

''(1) to eradicate or control nutria; and

''(2) to restore nutria damaged wetlands.''.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) COASTAL STATE.—The term 'coastal State' means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

''(2) PROGRAM.—The term 'program' means the nutria eradication program established by section 4(a).

''(3) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

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

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

''(1) to eradicate or control nutria; and

''(2) to restore wetlands damaged by nutria.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''the State of'' before ''Maryland'';

(B) in paragraph (2), by striking ''other States'' and inserting ''the coastal States''; and

(C) in paragraph (3), by striking ''marshland'' and inserting ''wetlands'';

(3) in subsection (c)—

(A) by striking ''(c) ACTIVITIES'' and inserting ''(c) ACTIVITIES IN THE STATE OF MARYLAND''; and

(B) by inserting '', and updated in March 2009'' before the period at the end;

(4) in subsection (e), by striking ''financial assistance provided by the Secretary under this section'' and inserting ''the amounts made available under subsection (f) to carry out the program''; and

(5) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program $6,000,000 for each of fiscal years 2012 through 2016, of which—

''(1) $2,000,000 shall be used to provide financial assistance to the State of Maryland;

''(2) $2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

''(3) $2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.''.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking ''2002 document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds'; and'' and inserting ''March 2009 update of the document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds' and originally dated March 2002;'';

(2) in paragraph (2)—

(A) by striking ''develop'' and inserting ''continue''; and

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

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

''(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

''(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

''(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.''.

SEC. 3689. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting '', or the producer cannot substantiate that the ground has ever been tilled,'' after ''tilled'';

(2) in paragraph (2)(A), by striking ''for benefits under—'' and all that follows through the period at the end and inserting ''for—

''(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

''(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

''(iii) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).''; and

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

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

''(i) paragraph (2) shall apply to 65 percent of the applicable transitional yield; and

''(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

''(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this subsection, a producer may not substitute yields for the native sod acreage.

''(4) APPLICATION.—This subsection shall only apply to native sod in—

''(A) the Prairie Pothole National Priority Area; and

''(B) any other area designated by the Secretary as a national conservation priority area.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in subparagraph (A)(ii), by inserting '', or the producer cannot substantiate that the ground has ever been tilled,'' after ''tilled'';

(2) in subparagraph (B)(i), by striking ''for benefits under—'' and all that follows through the period at the end and inserting ''for—

''(I) benefits under this section;

''(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

''(III) payments described in subsection (b) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).''; and

(3) by striking subparagraph (C) and inserting the following:

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

''(I) subparagraph (B) shall apply to 65 percent of the applicable transitional yield; and

''(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

''(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.

''(D) APPLICATION.—This paragraph shall only apply to native sod in—

''(i) the Prairie Pothole National Priority Area; and

''(ii) any other area designated by the Secretary as a national conservation priority area.''.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each county and State, and the change in cropland acreage from the preceding year in each county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2014, and each January 1 thereafter

through January 1, 2017, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each county and State.

SA 3305. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3216 submitted by Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) and intended to be proposed 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 8, between lines 12 and 13, insert the following:

(d) EFFECTIVE DATE.—Section 303A of the Servicemembers Civil Relief Act, as added by subsection (a), and the amendments made by this section shall take effect on October 1, 2013.

SA 3306. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment, on page 2, line 5, strike ''January 1, 2013'' and insert ''October 1, 2013''.

SA 3307. Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 3175 submitted by Mr. RUBIO and intended to be proposed 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 1 of the amendment, beginning on line 2, strike ''**LIMITATION**'' and all that follows through page 2, line 14, and insert the following: ''**SENSE OF CONGRESS ON NAVY FLEET REQUIREMENTS.**

It is the sense of Congress that—

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

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

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

SA 3308. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Yajuan Lu, a health care fellow in my office, be allowed privileges of the floor for the remainder of the 112th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Igor Dubinski, an Army fellow in my office, be allowed floor privileges for the remainder of the consideration of S. 3254.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, and all nominations placed on the Secretary's desk in the Army and Navy; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel John H. Hort

The following named officer for appointment in the United States Army Medical Corps to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be major general

Brig. Gen. Joseph Caravalho, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Clayton M. Hutmacher

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Kyle E. Goerke

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Peter A. Bosse

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph E. Whitlock

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Karen E. LeDoux

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David G. Clarkson

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark A. Milley

IN THE MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 5044 and 601:

To be general

Lt. Gen. John M. Paxton, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Joseph F. Dunford, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN1944 ARMY nomination of William A. Christmas, which was received by the Senate and appeared in the Congressional Record of September 13, 2012.

PN1982 ARMY nomination of Alan F. Pomaville, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1983 ARMY nomination of James Bentley, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1984 ARMY nomination of Vincent D. Thompson, which was received by the Senate

and appeared in the Congressional Record of November 13, 2012.

PN1985 ARMY nomination of Luis F. Diaz, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1986 ARMY nomination of David C. Buckhannon, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1987 ARMY nomination of Anthony Cascarano, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1988 ARMY nomination of Rena L. P. Hope, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1989 ARMY nomination of Derek D. Hyun, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1990 ARMY nomination of Michael T. Simpson, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1991 ARMY nomination of Michael D. Pierce, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1992 ARMY nomination of Tammie E. Crews, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1993 ARMY nominations (2) beginning Kenneth M. Jordan, and ending Suzanne McNellis, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1994 ARMY nominations (3) beginning MADLENE M. ESKAROSE, and ending ALEXANDER K. JHANG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1995 ARMY nominations (4) beginning MILTON J. FOUST, and ending CHARLES E. LERNER, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1996 ARMY nominations (6) beginning WILLIAM T. MONACCI, and ending HUA C. YANG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1997 ARMY nominations (3) beginning STEPHEN J. DALAL, and ending TIMOTHY L. SETTLE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1998 ARMY nominations (5) beginning JESSE J. ABBOTT, and ending RHETT M. STARNES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN1999 ARMY nominations (5) beginning JOHN E. BALSER, and ending SCOTT W. SHAFFER, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2000 ARMY nominations (11) beginning FRANCISCO DIAZGONZALEZ, and ending DAVID B. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2001 ARMY nominations (14) beginning GREGORY M. BARROW, and ending JAMES E. VALLEE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2002 ARMY nominations (15) beginning GREGORY L. BOWMAN, and ending D011022, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2003 ARMY nominations (24) beginning TRACY L. BAKER, and ending GAYLA W. WILSONDUNN, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2004 ARMY nominations (39) beginning BRIAN ALMQUIST, and ending D011046, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

IN THE NAVY

PN2005 NAVY nomination of Terry N. Traweek, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2006 NAVY nomination of Stefanie M. Wheelbarger, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2007 NAVY nomination of Carl A. Riddick, which was received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2008 NAVY nominations (2) beginning KEVIN S. HART, and ending MICHAEL J. JACQUES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURE READ THE FIRST TIME—H.R. 6429

Mr. BROWN of Ohio. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant bill clerk read as follows:

An act (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. BROWN of Ohio. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

ORDERS FOR TOMORROW

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 4, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved until later in the day; that following any leader remarks, the Senate proceed to executive session under the previous order; and that the Senate recess following the vote in relation to the Disabilities Treaty until 2:15 p.m. to allow for the weekly caucus meetings; further, that all time during adjournment, morning business, executive session, and recess count postcloture on S. 3254, the National Defense Authorization Act.

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

PROGRAM

Mr. BROWN of Ohio. Madam President, the first vote tomorrow will be at 12 noon on the resolution of ratification of the Convention on Rights of Persons with Disabilities. Additional votes in relation to the Defense bill are expected.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Tuesday, December 4, 2012, 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, December 3, 2012:

THE JUDICIARY

PAUL WILLIAM GRIMM, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN H. HORT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JOSEPH CARAVALHO, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CLAYTON M. HUTMACHER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. KYLE E. GOERKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PETER A. BOSSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH E. WHITLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. KAREN E. LEDOUX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID G. CLARKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK A. MILLEY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS,

AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOSEPH F. DUNFORD, JR.

IN THE ARMY

ARMY NOMINATION OF WILLIAM A. CHRISTMAS, TO BE COLONEL.

ARMY NOMINATION OF ALAN F. POMAVILLE, TO BE COLONEL.

ARMY NOMINATION OF JAMES BENTLEY, TO BE COLONEL.

ARMY NOMINATION OF VINCENT D. THOMPSON, TO BE COLONEL.

ARMY NOMINATION OF LUIS F. DIAZ, TO BE MAJOR.

ARMY NOMINATION OF DAVID C. BUCKHANNON, TO BE MAJOR.

ARMY NOMINATION OF ANTHONY CASCARANO, TO BE MAJOR.

ARMY NOMINATION OF RENA L. P. HOPE, TO BE MAJOR.

ARMY NOMINATION OF DEREK D. HYUN, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL T. SIMPSON, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL D. PIERCE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TAMMIE E. CREWS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH KENNETH M. JORDAN AND ENDING WITH SUZANNE MCNELLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH MADLENE M. ESKAROSE AND ENDING WITH ALEXANDER K. JHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH MILTON J. FOUST AND ENDING WITH CHARLES E. LERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH WILLIAM T. MONACCI AND ENDING WITH HUA C. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

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ARMY NOMINATIONS BEGINNING WITH GREGORY M. BARROW AND ENDING WITH JAMES E. VALLEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH GREGORY L. BOWMAN AND ENDING WITH D011022, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH TRACY L. BAKER AND ENDING WITH GAYLA W. WILSONDUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

ARMY NOMINATIONS BEGINNING WITH BRIAN ALMQUIST AND ENDING WITH D011046, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

IN THE NAVY

NAVY NOMINATION OF TERRY N. TRAWEEK, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF STEFANIE M. WHEELBARGER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CARL A. RIDDICK, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH KEVIN S. HART AND ENDING WITH MICHAEL J. JACQUES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

EXTENSIONS OF REMARKS

HONORING RAYMOND J. AHEARN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. CAMP. Mr. Speaker, I rise today with my colleague Ranking Member Levin to honor Raymond J. Ahearn, Specialist in International Trade and Finance in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service (CRS). After a distinguished career of more than 37 years of service to Congress on international trade and economic policy issues, Ray will retire on December 28.

During Ray's years of direct support for Congress, he achieved a remarkable record of accomplishment. His authoritative, non-partisan and objective expertise and analysis, as exemplified in his many reports, confidential memoranda, committee prints, and confidential consultative work for Members and congressional staff, have addressed just about all major international trade and economic policy issues before Congress. His institutional knowledge of U.S. trade policy and the policy-making process has been invaluable, especially to the Ways and Means Committee and its Members.

Ray's deep institutional knowledge of U.S. trade policies and laws, the global trading system and architecture, multilateral and bilateral trade negotiations, regional economic groupings, and the fundamental trends in the global economy have played a critical role in Congress' consideration of these issues. He has also provided intellectual leadership to the overall research agenda of the CRS Trade and Finance Section, working closely with the Ways and Means Committee, as well as many other congressional offices and committees, in ensuring that the CRS international trade and finance work was closely aligned with policy issues of core congressional interest in an authoritative, objective and timely manner.

We congratulate and thank Ray for his years of excellent service to Congress. We wish him the very best in his retirement.

HONORING MR. WAYNE NICHOLS OF FORT WORTH, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Ms. GRANGER. Mr. Speaker, I rise today to congratulate Mr. Wayne Nichols of Fort Worth, Texas for winning the "Outstanding Teaching of the Humanities Award" from Humanities Texas.

Each year, Humanities Texas selects eleven teachers who have demonstrated outstanding skill and dedication in the teaching of the humanities to Texas students. The winning teachers and their schools receive a generous grant to purchase materials to enhance humanities education.

Mr. Nichols teaches a variety of History, Geography and Culture classes for grades six through eight at the Middle Level Learning Center in Fort Worth, Texas, and was recognized for his ability to instill a love of learning in his students through innovative and interactive teaching methods.

Because of Mr. Nichols work, thousands of students have been given a new appreciation of the vital subjects that he teaches and the importance of those subjects in their own lives.

I offer my hearty congratulations to Mr. Nichols for this well-deserved award, and I am proud to have such an outstanding educator in my district.

IN RECOGNITION OF THE 100TH BIRTHDAY OF LORAINE PLUMB

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. KEATING. Mr. Speaker, I rise today in recognition of Ms. Loraine Plumb as she celebrates her 100th birthday.

Loraine was born on December 4, 1912 in St. Paul, Minnesota to a proud family of Norwegian industrialists. She developed a love of teaching, and after graduating from the University of Minnesota and the graduate teaching program at Eastern Michigan University, she applied her training for 35 years teaching physical education and art in both Michigan and Minnesota.

In addition to countless children who passed through her classroom, Loraine has given her love to her two children, son Tracy Plumb and daughter Jeri Gardner Thompson. Her family and friends have referred to Loraine as a "happy little bluebird flitting from fence post to fence post"—an apt description for a woman who has touched so many lives over the years.

Today Loraine enjoys her daily afternoon coffee with friends, and all of the laughter they have given her over the years. She does not attribute her longevity to any one thing except her overall happiness and joy. The Town of Plympton has recently recognized her as the oldest resident of the town, and she is proud to call it her home.

Mr. Speaker, I am proud to honor Loraine Plumb on this joyous occasion. I ask that my colleagues join me in wishing her many more years of happiness and health.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise regarding my absence from rollcall votes 605–608 on Thursday and Friday, November 15, 2012 and November 16, 2012. Had I been present, I would have voted as follows: For rollcall vote, 605, I would have voted "no". For rollcall vote 606, I would have voted "no". For rollcall vote 607, on the Senate Amendment to H.R. 2453—Mark Twain Commemorative Coin Act to direct the Secretary of the Treasury to mint and issue gold and silver coins with a design emblematic of Mark Twain, I would have voted "aye". For rollcall vote 608, on H.R. 3803 "Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012" to provide normal trade relations status to Russia and Moldova, ends Jackson-Vanik restrictions on both economies, and establishes new human rights-related sanctions on Russia, I would have voted "aye".

IN RECOGNITION OF SACRAMENTO CITY COUNCILWOMAN SANDY SHEEDY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Ms. MATSUI. Mr. Speaker, I rise today to recognize Sacramento City Councilwoman Sandy Sheedy, as she steps down from the Sacramento City Council after 12 years of honorable service. As her colleagues, friends and family gather to honor her dedication to the people of Sacramento, I ask my colleagues to join me in recognizing Councilwoman Sheedy's outstanding leadership as a public servant.

Councilwoman Sheedy was born and raised in Colusa, California. Before being elected to the City Council, she served with distinction on various commissions and boards including the City Planning Commission, the Sacramento County Civil Service Commission, the Stanford Settlement Board, the Sacramento Association for the Retarded and the Camellia Symphony Orchestra.

Councilwoman Sheedy was elected to the Sacramento City Council in 2000. As Councilwoman, she served as Chair of the City Council's Code Enforcement Ad Hoc Committee and sponsored a wide variety of local ordinances, including the promotion of a stronger local government role in curbing tobacco sales to minors and codes against illegal trash dumping and dangerous dogs. She extended her reach to as many citywide issues as possible, while always fighting for the Del Paso Heights, Robla, and North Sacramento neighborhoods.

Her tenure on the City Council included the construction of a new fire station in North Sacramento and the city's first "green street" project, which allowed for the beautification of Dixieanne Avenue. In addition, Councilwoman Sheedy has been a long-time patron of public parks as she looked over the construction of five new parks, and I had the pleasure of joining with her for the opening of Five Star Park

in 2008. Councilwoman Sheedy also helped upgrade the bridges and streetlights throughout her district, which were in clear need of repair.

Councilwoman Sheedy represented the City of Sacramento well, serving on the boards of the Sacramento Metropolitan Air Quality Management District, the Sacramento Regional Solid Waste Authority, the Sacramento Metropolitan Cable Television Commission and the Sacramento Public Library Authority. As she dedicated her energy to the betterment of the people of Sacramento, Councilwoman Sheedy leaves the City Council with a high level of energy and large possibilities for the continued revitalization of District 2.

Mr. Speaker, as Councilwoman Sandy Sheedy's husband Ted, family, friends and colleagues gather to commemorate her for her service to the people of Sacramento, I ask all my colleagues to join me in saluting this dedicated public servant for helping make Sacramento a better place for families to live and prosper.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,369,548,799,604.93. We've added $5,742,671,750,691.85 to our debt in nearly 4 years. This is $5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN HONOR OF PEARL HARBOR REMEMBRANCE CEREMONY RESTORATION VOLUNTEER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the forty-five volunteers who have dedicated their time to commemorating the 71st anniversary of the Pearl Harbor attack.

These volunteers have been working tirelessly throughout the year to prepare for the Pearl Harbor Remembrance Ceremony held in December in Camden, New Jersey aboard the USS *New Jersey*.

The volunteers who have helped prepare the USS *New Jersey* for this historically-significant event are a necessary element in the production of the ceremony honoring those who were present that fateful day.

Their selfless hard work and devotion to honoring the 71st anniversary of Pearl Harbor should not go unnoticed. I join the citizens of Southern New Jersey, members of our military, as well as friends and family in congratulating these volunteers for a job well done.

HONORING WALT EKARD

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. BILBRAY. Mr. Speaker, I rise to recognize the retirement of Walter F. Ekard, the Chief Administrative Officer for the County of San Diego. As the chief executive for the fifth largest county in the United States, Mr. Ekard manages a workforce of over 16,000 employees and an annual budget of $5 billion.

Mr. Ekard was appointed to this position by the five-member Board of Supervisors on May 4, 1999. He previously served as the Assistant Chief Administrative Officer and was the Boards' ''first and only choice'' for the job because of his experience and strong leadership skills.

Since he began working for the County in 1996, Mr. Ekard has been a part of its dramatic transformation, including a creation of a structurally-balance budget and the implementation of a general management system. Working closely with the Board and the County's executive team, Mr. Ekard works to institute private business management practices throughout the County, stressing customer service, fiscal accountability and teamwork. He has overseen the successful implementation of the innovative information technology outsourcing project that begun in late 1998 and is currently working to prepare San Diego County government to manage with significantly less revenue due to the State of California's budget crisis and funding cuts anticipated as a result.

Mr. Ekard brings a unique combination of qualifications and experience to this post. In fact, he served as my Chief of Staff during my time at the Board of Supervisors. He also worked as a senior policy advisor to former County Supervisor Paul Fordem (1981–1984). He also managed the Rancho Santa Fe Association from 1987 to 1996, transforming this 70-year-old organization into a smooth-running, productive and powerful regional influence. During his tenure with the Association, he worked in a capacity much like a city manager, developing linkages between the Association and other community organizations, created a long-term strategic plan to secure needed support from local and regional government agencies, and reduced administrative staff while streamlining the budget process and privatizing certain Association functions.

A native of San Diego County, Mr. Ekard received his Bachelor of Arts degree from San Diego State University and a Allis Doctor degree from the University of San Diego, School of Law. He is a member of the State Bar of California and has served on a number of community boards and commissions. He and his wife, Pam, reside in El Cajon with their family.

I.hope my colleagues will join me in recognizing the professional achievements of Mr. Walt Ekard. Without question, the community of San Diego has been made better by his contributions and are worthy of recognition by the House of Representatives today.

RECOGNIZING COMMODORE WILLIAM C. VOGEL, JR. FOR HIS MANY CONTRIBUTIONS TO METROPOLITAN DETROIT COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. PETERS. Mr. Speaker, I rise today to honor William C. Vogel, Jr. on the occasion of his installation as Commodore of the Grosse Pointe Yacht Club during its 84th Annual Commodore's Ball. Serving as the club's face to the community and monitor of its policies both present and future, the position of commodore is an esteemed office befitting an individual like Mr. Vogel.

Bill has long been an active member of the Club, serving on its executive board for many years, including multiple terms as the Club's Vice Commodore. Under his leadership, the Grosse Pointe Yacht Club has continued on a path of success and prosperity. Its membership has grown and it has undertaken projects to expand and improve both its facilities and the Grosse Pointe Harbor, one of Michigan's most precious treasures.

Outside of his involvement in the Grosse Point Yacht Club, Bill has been steadfastly engaged in the support of groups and issues that have historically made the Grosse Pointes a thriving group of communities. Through his support as a member and past director of the Detroit Goodfellows, he has taken the initiative to provide Detroit youth with educational scholarships and other necessities which have enhanced their quality of life. Bill has also been instrumental to the Lakeshore District of the Boy Scouts of America, serving as Chair of the Friends of the Scouts Campaign.

Bill's passion for his community is mirrored in his dedication to his profession. With over thirty years of accomplishments in the field of engineering, he has earned the respect and admiration of his peers and coworkers. During his tenure with General Motors as a systems analyst, project planner and marketing planner, Bill received both the Chairman's Award and the GM North American Special Achievement Award. At EDS, he was honored with the prestigious Inner Circle Award, Circle of Excellence, and Diamond Club recognitions for his achievements as Client Delivery Executive and Solutions Delivery Executive. He also received recognition from Wayne State University's College of Engineering in 2006, earning their Outstanding Engineering Alumni Award for Industry Achievement. Finally, in August of 2012, Bill retired from his post as director of EDS's OnStar account for General Motors, leaving behind a legacy of hard work and success. He currently serves on the Board of Visitors for both Wayne State and Western Michigan Universities' Colleges of Engineering.

Mr. Speaker, I am honored today to recognize William C. Vogel, Jr. on the occasion of his installation as Commodore of the Grosse Pointe Yacht Club. I join with Bill's wife of 37 years, Susan, as well as his children, William III, Joseph, Elizabeth, and Michael in congratulating him on this joyful occasion.

PERSONAL EXPLANATION

HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. BARBER. Mr. Speaker, due to my surgery and recuperation during the week of November 26 through December 2, 2012, I missed five recorded votes during that week. I would like to indicate how I would have voted had I been present for these votes.

On rollcall No. 609, H.R. 5997, the Medical Preparedness Allowable Use Act, I would have voted ''yea'' to authorize the use of Urban Area Security Initiative and State Homeland Security Grant Program funding to allow for the local use of these funds to enhance emergency medical preparedness programs such as medical surge capacity and preventing the spread of mass disease. This legislation will help ensure that we have the medical tools and resources needed to protect the public.

On rollcall No. 610, H.R. 915, *the Jaime Zapata Border Enforcement Security Task Force Act*, I would have voted ''yea'' to establish within Immigration and Customs Enforcement (ICE) a Border Enforcement Security Task Force (BEST) program to foster coordinated efforts among federal, state and local border and law enforcement officials to protect cities and communities from crime along our borders. Southern Arizonans are in the direct path of the most serious drug cartel smuggling activity of any region in the nation and are heavily and disproportionately affected by criminal activities along the border. The BEST program will help to improve the safety and security of my constituents.

On rollcall No. 611, H. Res. 821, a rule to provide for consideration of H.R. 6429, the STEM Jobs Act of 2012,1 would have voted ''nay'' and opposed consideration of the legislation in its current form without amendment.

On rollcall No. 612, a Motion to Recommit H.R. 6429, the STEM Jobs Act of 2012, I would have voted ''yea'' to amend the bill to strike the provision that eliminates the Diversity Visa program that makes visas available to people from countries that have low rates of immigration to the United States.

On rollcall No. 613, H.R. 6429, the STEM Jobs Act of 2012, I would have voted ''yea'' to create a STEM Visa program under which foreign students that earn advanced degrees in the high-demand fields of Science, Technology, Engineering and Math (STEM) at American universities could remain in our country to work in those fields. The program would provide 55,000 such visas annually. I regret that the legislation takes away the Diversity Visa program in order to add 55,000 visas for STEM graduates. However, finding qualified candidates to fill these positions is a very serious issue in my district, which is home to many high tech companies. These companies are too often unable to find qualified American candidates to work in this industry that is so essential to the growth of our local economy. While my first priority is supporting STEM education and jobs for American students and workers, allowing foreign STEM graduates to work in the U.S. in jobs for which American workers cannot be found will contribute to our economy and global competitiveness.

IN RECOGNITION OF THE COMPASSION OF THE PEOPLE OF TAIWAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the Taiwanese government who has so generously donated $1.3 million to the Superstorm Sandy relief effort. The donation will be divided between the State Governments of New Jersey and New York, the City of New York, as well as the United Way International and Habitat for Humanity International. Although the media coverage and national attention on Superstorm Sandy has subsided in the wake of new stories, the impact of the storm continues to be felt by New York and New Jersey citizens. I am moved by this tremendous act of solidarity from our friends thousands of miles away, and I would like to officially recognize this gesture in hopes that the consideration and empathy displayed by the Taiwanese may serve as a reminder to others that this plight is still ongoing. On behalf of the 1st district of New Jersey, the State of New Jersey, and the American people I would like to extend sincere thanks to the Taiwanese people for this act of kindness.

HONORING DIANN JACOX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Diann Jacox, the superintendent of the Cedar Creek and Belle Grove National Historical Park, who has announced her decision to retire.

Ms. Jacox is retiring from the National Park Service after 35 years of outstanding service to our country. According to the National Park Service, Ms. Jacox began her career as a historian in the Philadelphia regional office. She was later appointed regional cultural compliance coordinator for 32 parks in the mid-Atlantic area where she worked to incorporate historic preservation requirements with the National Park Service design and construction plans. Ms. Jacox also served as the chief historian of Philadelphia's Independence National Historical Park and manager of Washington DC's Mary McLeod Bethune Council House National Historic Site. In 2004, Ms. Jacox became the founding superintendent of Cedar Creek and Belle Grove National Historical Park in Middletown, Virginia.

I had the privilege of working with Ms. Jacox to create Cedar Creek and Belle Grove National Historical Park in her capacity as founding superintendent. The park would not have been possible without her leadership and steady hand. Last month the park celebrated its 10-year anniversary.

I want to commend Diann for her tireless years of service and her dedication to historic preservation. I wish her all the best as she returns to Philadelphia in her retirement.

HONORING THE COUNTY OF SOLANO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I along with Mr. GARAMENDI and Mr. MIKE THOMPSON of California invite our colleagues to join us in honoring the County of Solano, California, for its 2012 designation by America's Promise Alliance as one of the ''100 Best Communities for Young People.''

Selected from 320 applicants across all 50 States in a competitive process, Solano County is the only California community to receive this designation six consecutive times. Over 75 local partners contributed to this most recent application, including community and faith-based organizations, city and county agencies, educational institutions, businesses and service groups serving children, as well as many young individuals.

This application exhibits the outstanding collaboration that has brought repeated recognition to Solano County. Programs involved include the YIPPEE Foundation's Teen Mentoring and Job-Training programs, Lawrence Hall of Science Inventor's Lab, Solano Transportation Authority's ''Safe Routes to School,'' Solano County Court's Teen Interns, Dixon Teen Center, Benicia Library's Teen Librarian, Vacaville Youth Roundtable, Rio Vista Care/Family Resource Center, each of which resulted in strong support for Solano County's children and youth. Furthermore, Solano's school districts and community leaders continue to actively work to raise graduation rates with innovative approaches to tutoring, mentoring, recreation and health activities, as well as volunteer opportunities for youth.

Young people in Solano County have worked hard to achieve academic and personal excellence, and the community has provided them an opportunity to do so. Programs including the Junior Reserve Officer Training Corps cadets at Armijo, Jesse Bethel, and Vanden High Schools, the Eagle Scout program, and Solano County 4–H deserve recognition for facilitating thousands of hours of community service. We also recognize our students' determination to reach the regional and statewide Academic Decathlons as well as the effort put forth by each of the volunteers participating in tutoring and mentoring programs at the Matt Garcia Center, The Boys and Girls Clubs, and the Big Brothers/Big Sisters programs.

Mr. Speaker, we ask our colleagues to join with us in recognizing the Solano County Department of Child Support Services, which served as the lead agency for the 2012 application and extend our sincere congratulations to each of the organizations, agencies and individuals involved who have worked tirelessly on behalf of Solano's children and youth.

IN RECOGNITION OF SACRAMENTO CITY COUNCILMAN ROB FONG

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Sacramento City Councilman

Robert King Fong who has successfully served the people of Sacramento for the past fourteen years, most recently for eight years on the City Council and previously for six years on the Sacramento City Unified School District Board of Trustees. As his colleagues, friends and family gather to celebrate his career and his outstanding accomplishments, I ask all my colleagues to join me in recognizing Councilman Fong as an outstanding public servant.

Councilman Fong is a third generation Sacramentan who attended McClatchy High School, the same high school that my late husband Robert Matsui attended. He then went on to receive his undergraduate degree from the University of California, Berkeley and his law degree from the University of California, Davis School of Law. After college, Councilman Fong returned to Sacramento where he practiced law and began his life in public service. He was elected to the City Council in 2004 with over 75% of the vote.

Among Councilman Fong's many accomplishments was his involvement in creating a trade partnership with the city of Chongqing, China. Close to home, he was an unwavering supporter of a number of key projects, such as the R Street Improvement Project, Southside Park Improvements, and public art projects in the Southside Community Garden and the Fremont Community Garden.

Councilman Fong was fortunate to represent many of Sacramento's most unique neighborhoods, including Land Park, Newton Booth, Poverty Ridge, Southside Park, Downtown, Midtown, and River Oaks. He balanced the neighborhoods' needs with city priorities, always with an eye on the big picture. This afforded him many opportunities to advocate for issues critical to the Sacramento region, including greater transportation options and improved flood protection. Councilman Fong has also been devoted to finding additional aid for the homeless and promoting arts in local schools.

Mr. Speaker, as Councilman Fong's children Rebecca and Christian, friends and colleagues gather to honor him for his service to the people of Sacramento and to wish him well in future endeavors, I ask all my colleagues to join me in thanking him for helping make Sacramento a great place to live, work and play.

IN HONOR OF STAND DOWN OF SOUTH JERSEY VOLUNTEERS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the volunteers of Stand Down of South Jersey. These volunteers dedicate their time and effort year-round to aid homeless veterans in communities across the state of New Jersey.

The culmination of Stand Down's efforts is an event held annually at the Army National Guard Armory in Cherry Hill, New Jersey. Each year, this event is a place where veterans go for haircuts, receive assistance in applying for government support, guidance on employment and job training opportunities, health-related counseling, and more.

At the event, held in September, Stand Down aided and supported approximately 278 homeless veterans from the area as a result of the volunteer efforts. In addition, volunteers have collected winter coats, blankets, and other supplies that they donated to the Marine Corps League Detachment 796 at Toms River.

The tireless efforts of these volunteers should not go unnoticed. I join the citizens of Southern New Jersey and the veterans in our community to thank these volunteers for their continued hard work and dedication to this important cause.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 4, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 5

9 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north.

SD–419

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, and any pending nominations.

SD–430

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine Hurricane Sandy, focusing on response and recovery and progress and challenges.

SD–192

DECEMBER 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the fiscal cliff, focusing on how to protect the middle class, sustain long-term economic growth, and reduce the Federal deficit.

SH–216

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Federal Housing Administration, focusing on Housing and Urban Development's response to fiscal challenges.

SD–538

Finance

To hold hearings to examine the nomination of Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court.

SD–215

Judiciary

Business meeting to consider S. 1223, to address voluntary location tracking of electronic communications devices, and the nominations of Katherine Polk Failla, to be United States District Judge for the Southern District of New York, Troy L. Nunley, to be United States District Judge for the Eastern District of California, Sheri Polster Chappell, to be United States District Judge for the Middle District of Florida, Pamela Ki Mai Chen, to be United States District Judge for the Eastern District of New York, and Mark A. Barnett, to be a Judge of the United States Court of International Trade.

SD–226

10:30 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee

To hold hearings to examine superstorm Sandy, focusing on the devastating impact on the nation's largest transportation systems.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

DECEMBER 12

10 a.m.

Veterans' Affairs

To hold hearings to examine the nomination of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training.

SR–418

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Measures Reported:

Report to accompany S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit. (S. Rept. No. 112–244) **Page S7345**

Measures Considered:

National Defense Authorization Act—Agreement: Senate resumed consideration of 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, taking action on the following amendments proposed thereto:

Pages S7312–32, S7336

Adopted:

Levin (for Begich) Amendment No. 2954, to authorize space-available travel on Department of Defense aircraft of certain unremarried spouses of members and former members of the Armed Forces.

Pages S7324–29

Levin (for Inhofe) Amendment No. 2978, to require the Secretary of the Air Force to submit to Congress a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS–2) indefinite-delivery, indefinite-quantity (IDIQ) contract. **Pages S7324–29**

Levin (for Blumenthal) Amendment No. 3015, to extend the stolen goods offense to cover all veterans' memorials. **Pages S7324–29**

Levin (for Cardin) Amendment No. 3022, to express the sense of the Senate concerning the conflict-induced Afghan refugee situation. **Pages S7324–29**

Levin (for Cardin) Amendment No. 3024, to include the Coast Guard in the requirements for the achievement of diversity in the Armed Forces.

Pages S7324–29

Levin (for Tester) Amendment No. 3028, to authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care.

Pages S7324–29

Levin (for Collins) Modified Amendment No. 3042, to require a report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan. **Pages S7324–29**

Levin (for McCain/Webb) Modified Amendment No. 3054, relative to notice to Congress for the review of proposals to name naval vessels.

Pages S7324–29

Levin (for Toomey) Amendment No. 3066, to require an independent study and report on simulated tactical flight training in a sustained gravity environment. **Pages S7324–29**

Levin (for McCain) Modified Amendment No. 3091, to authorize additional amounts for new programs identified and requested by the Department of Defense as unforeseen, urgent, and high priority requirements, and to provide an offset. **Pages S7324–29**

Levin (for Brown(MA)) Amendment No. 3160, to improve the authorities relating to rates of basic allowance for housing for National Guard members on full-time National Guard duty. **Pages S7324–29**

Levin Amendment No. 3164, to authorize the transfer of defense articles and the provision of defense services to the military and security forces of Afghanistan and certain other countries.

Pages S7324–29

Levin (for Rubio/Nelson(FL)) Modified Amendment No. 3176, to require a report on the reorganization of Air Force Materiel Command organizations. **Pages S7324–29**

Levin (for Warner) Amendment No. 3188, to express the sense of Congress on the Joint Warfighting Analysis Center. **Pages S7324–29**

Levin (for Bingaman/Murkowski) Amendment No. 3208, to promote the production of molybdenum-99 in the United States for medical isotope production,

and to condition and phase out the export of highly enriched uranium for the production of medical isotopes. **Pages S7324–29**

Levin (for Snowe) Amendment No. 3218, to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns. **Pages S7324–29**

Levin (for Conrad) Amendment No. 3227, to require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center. **Pages S7324–29**

Levin (for Hatch) Amendment No. 3268, to modify the age and retirement treatment under the Federal Employees Retirement System for certain retirees of the Armed Forces. **Pages S7324–29**

Levin (for Coons) Amendment No. 3289, to make technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment. **Pages S7324–29**

Levin (for Paul) Amendment No. 3119, to provide for the more accurate and complete enumeration of members of the Armed Forces in any tabulation of total population by the Secretary of Commerce. **Pages S7324–29**

Levin (for Pryor) Amendment No. 3291, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses. **Page S7332**

Levin (for Collins/Lieberman) Amendment No. 3282, to provide for a prescription drug take-back program for members of the Armed Forces and their dependents. **Page S7332**

Levin (for Reed) Amendment No. 3292, to provide for the enforcement of protections on consumer credit for members of the Armed Forces and their dependents. **Page S7332**

Levin (for Reed) Amendment No. 3165, to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans. **Page S7332**

Levin (for Coats) Modified Amendment No. 2923, in the nature of a substitute. **Pages S7336–40**

Levin (for Webb/Leahy) Amendment No. 2943, to make Department of Defense law enforcement officers eligible under the Law Enforcement Officers Safety Act. **Pages S7336–40**

Levin (for Casey) Modified Amendment No. 2997, to authorize the Transition Assistance Advisor program of the Department of Defense. **Pages S7336–40**

Levin (for Cardin) Amendment No. 3023, to include the Coast Guard in the requirements relating to hazing in the Armed Forces. **Pages S7336–40**

Levin (for Wicker) Modified Amendment No. 3121, to exempt the high performance computing modernization program from certain requirements relating to funding for data servers and centers. **Pages S7336–40**

Levin (for Portman) Amendment No. 3142, to require a report on Department of Defense support for the United States diplomatic security. **Pages S7336–40**

Levin (for Webb/Brown (MA)) Amendment No. 3144, to amend section 704 of title 18, United States Code. **Pages S7336–40**

Levin (for Corker) Modified Amendment No. 3172, to require the President to report to Congress on issues related to Syria. **Pages S7336–40**

Levin (for Lieberman) Amendment No. 3276, to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution. **Pages S7336–40**

Levin (for Lautenberg) Amendment No. 3298, to express the sense of Congress on health care for retired members of the uniformed services. **Pages S7336–40**

Levin (for Blunt) Modified Amendment No. 3278, to provide for the modernization of the Department of Defense's mail delivery system to ensure the effective and efficient delivery of absentee ballots. **Pages S7336–40**

Levin (for Rockefeller) Amendment No. 2996, to authorize certain maritime programs of the Department of Transportation. **Pages S7336–40**

Levin (for Reid) Modified Amendment No. 3047, to clarify the computation of combat-related special compensation for disability retirees from the Armed Forces. **Pages S7336–40**

Pending:

Kyl Modified Amendment No. 3123, to require briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems. **Page S7312**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 93 yeas (Vote No. 218), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S7336**

A unanimous-consent agreement was reached providing that notwithstanding adoption of Blumenthal Amendment No. 3124, as modified, on Thursday, November 29, 2012, the amendment be modified further with the changes that are at the desk.

Pages S7329–31

A unanimous-consent agreement was reached providing that a vote on or in relation to Kyl Modified Amendment No. 3123 (listed above), which has been cleared by both Managers, occur at a time to be determined by the Managers in consultation with the Leaders following the vote on cloture on the bill.

Page S7332

A unanimous-consent agreement was reached providing that all time during adjournment, morning business, Executive Session and recess count post-cloture on the bill. **Page S7360**

Nominations Confirmed: Senate confirmed the following nominations:

By 92 yeas to 1 nay (Vote No. EX. 217), Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland.

9 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, and Navy.

Pages S7332–36, S7359–60, S7360–61

Messages from the House: **Page S7343**

Measures Read the First Time: **Page S7343**

Executive Communications: **Pages S7343–44**

Petitions and Memorials: **Pages S7344–45**

Additional Cosponsors: **Pages S7345–47**

Additional Statements **Page S7343**

Amendments Submitted: **Pages S7347–59**

Privileges of the Floor: **Page S7359**

Record Votes: Two record votes were taken today. (Total—218) **Pages S7335–36, S7336**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:56 p.m., until 10 a.m. on Tuesday, December 4, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7360.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 3 public bills, H.R. 6625–6627, were introduced. **Page H6586**

Additional Cosponsors: **Page H6587**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Rooney to act as Speaker pro tempore for today. **Page H6579**

Recess: The House recessed at 12:01 p.m. and reconvened at 2 p.m. **Page H6579**

Member Resignation: Read a letter from Representative Filner, wherein he resigned as Representative for the 51st Congressional District of California, effective today. **Page H6579**

Whole Number of the House: The Speaker announced to the House that, in light of the resignation of the gentleman from California, Mr. Filner, the whole number of the House is 432.

Pages H6579–80

Recess: The House recessed at 2:07 p.m. and reconvened at 4:03 p.m. **Page H6580**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Eliminate Privacy Notice Confusion Act: H.R. 5817, to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement. **Pages H6580–84**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6584.

Senate Referral: S. 2170 was referred to the Committee on Oversight and Government Reform.

Page H6585

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 4:41 p.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 4, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Mark Doms, of Maryland, to be Under Secretary of Commerce for Economic Affairs, Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy, Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission, Joshua D. Wright, of Virginia, to be a Federal Trade Commissioner, and Christopher R. Beall, of Oklahoma, and Yvonne Brathwaite Burke, of California, both to be a Director of the Amtrak Board of Directors, 2:30 p.m., SR–253.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Terrorist Exploitation of Refugee Programs'', 10 a.m., 311 Cannon.

Committee on Natural Resources, Subcommittee on Indian and Alaska Native Affairs, hearing on S. 3193, the ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012'', 11 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, Full Committee, hearing entitled ''A Review of the Preparedness, Response To and Recovery From Hurricane Sandy'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled ''Wading through Warehouses of Paper: The Challenges of Transitioning Veterans Records to Paperless Technology'', 2 p.m., 334 Cannon.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through November 30, 2012

	Senate	*House*	*Total*
Days in session	133	134	..
Time in session	790 hrs., 45′	655 hrs., 45′	..
Congressional Record:			
Pages of proceedings	7,310	6,578	..
Extensions of Remarks	..	1,860	..
Public bills enacted into law	30	80	110
Private bills enacted into law	..	..	..
Bills in conference	..	..	..
Measures passed, total	362	390	752
Senate bills	51	30	..
House bills	86	260	..
Senate joint resolutions	3	..	..
House joint resolutions	1	3	..
Senate concurrent resolutions	13	10	..
House concurrent resolutions	12	15	..
Simple resolutions	196	72	..
Measures reported, total	* 204	* 306	510
Senate bills	153	12	..
House bills	30	245	..
Senate joint resolutions	1	..	..
House joint resolutions	..	1	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	2	..
Simple resolutions	19	46	..
Special reports	5	29	..
Conference reports	3	3	..
Measures pending on calendar	397	105	..
Measures introduced, total	1,919	3,248	5,167
Bills	1,619	2,862	..
Joint resolutions	17	24	..
Concurrent resolutions	27	47	..
Simple resolutions	256	315	..
Quorum calls	..	1	..
Yea-and-nay votes	216	204	..
Recorded votes	..	** 407	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 141 written reports have been filed in the Senate, 338 reports have been filed in the House.

** Proceedings on Roll Call No. 327 were vacated by unanimous consent.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through November 30, 2012

Civilian nominations, totaling 422 (including 188 nominations carried over from the First Session), disposed of as follows:	
Confirmed	227
Unconfirmed	178
Withdrawn	16
Returned to White House	1
Other Civilian nominations, totaling 4,673 (including 167 nominations carried over from the First Session), disposed of as follows:	
Confirmed	3,893
Unconfirmed	777
Withdrawn	3
Air Force nominations, totaling 5,991 (including 295 nominations carried over from the First Session), disposed of as follows:	
Confirmed	5,769
Unconfirmed	221
Withdrawn	1
Army nominations, totaling 6,784 (including 16 nominations carried over from the First Session), disposed of as follows:	
Confirmed	6,042
Unconfirmed	741
Withdrawn	1
Navy nominations, totaling 3,869 (including 1 nominations carried over from the First Session), disposed of as follows:	
Confirmed	3,822
Unconfirmed	47
Marine Corps nominations, totaling 1,312, disposed of as follows:	
Confirmed	1,310
Unconfirmed	2

Summary

Total nominations carried over from the First Session	667
Total nominations Received this Session	22,384
Total confirmed	21,063
Total unconfirmed	1,966
Total withdrawn	21
Total returned to the White House	1

Next Meeting of the SENATE

10 a.m., Tuesday, December 4

Senate Chamber

Program for Tuesday: Senate will resume consideration of the Convention on the Rights of Persons with Disabilities Treaty, and vote on the Resolution of Advise and Consent to Ratification of the Convention on the Rights of Persons with Disabilities at 12 noon.

(Senate will recess following the vote on or in relation to Convention on the Rights of Persons with Disabilities Treaty until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, December 4

House Chamber

Program for Tuesday: Consideration of the following measure under suspension of the rules: H.R. 6582—American Energy Manufacturing Technical Corrections Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1862, E1863, E1864
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