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# Congressional Record

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# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*December 17, 2012.*

I hereby appoint the Honorable MAC THORNBERRY 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. THORNBERRY) 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.

Lord, the people's House returns as a community in Connecticut begins to lay their little ones to rest. Bless the families of all whose lives were so terribly cut short with peace and consolation. Help them, and help us all, to have hope in a time of great desolation.

''The souls of the just are in the hand of God, and no torment shall touch them.''

We ask Your blessing, O Lord, upon the Members of this assembly, and most especially upon the leadership. It is on their shoulders the most important negotiations of our time have been placed. Give them wisdom, grace, insight, and courage to forge an agreement that allows us all to move forward toward an encouraging future.

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.

Mr. WOMACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOMACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

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

Mr. ALTMIRE 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.

## TRIBUTE TO ALBERT E. BRUMLEY AND THE 80TH ANNIVERSARY OF ''I'LL FLY AWAY''

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

Mr. WOMACK. Mr. Speaker, just a few weeks before we bid farewell to 2012, I rise today to acknowledge a noteworthy anniversary celebrated just a few weeks ago—the 80th anniversary of the Hartford Music Company's famous song, ''I'll Fly Away.''

This staple of gospel music was written by the legendary Albert E. Brumley and has been recorded more than 5,000 times by celebrated performers from Aretha Franklin and Kanye West to the Boston Pops and the Blind Boys of Alabama. The song is published in most major church hymnals, and its distinctive melody frequents funerals, gospel concerts, and community singings around America.

So, Mr. Speaker, on this milestone anniversary of the publication of this national treasure in song, let us reflect on the chorus, just as Brumley wrote a few decades ago:

I'll fly away old glory,
I'll fly away.
When I die,
Hallelujah by and by,
I'll fly away.



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## LET US ESTABLISH A CULTURE OF PEACE

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

Mr. KUCINICH. We are locked into a cultural matrix of thinking which produces violence, and we are shocked when its heartbreaking effects emerge. It's ''us versus them'' thinking, this evocation of enemies, whoever they are.

On a global level, this type of thinking justifies war and brings the slaughter of innocence. Nationally, it sows seeds for murder. Yet war abroad and violence at home are not inevitable. We have it within our power to re-create America today. Are we not the land of the free, the home of the brave? Is there not something uniquely American which gives us the ability to transcend our woes and to seek a more perfect Union?

Even at the darkest moments, we Americans can stand bravely for our freedom. Mindful of our inherent unity, we must break the ''us versus them'' mindset and move beyond survival mode to security through cooperation.

Let us create an organized, structured approach to become architects of a new culture of peace in our homes, our schools, and our workplaces. This is what the Department of Peace is about. Let us establish an America where national security and peace at home includes jobs, housing, physical and mental health care, education, retirement security for all.

We're the land of the free, the home of the brave. Freedom and bravery, courage and democracy, they are our birthright, our inheritance, our destiny.

## MEDICAL DEVICE TAX

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

Mr. ALTMIRE. Mr. Speaker, in 15 days, a misguided tax on America's medical device industry is scheduled to go into effect. The $30 billion medical device tax will negatively impact an industry that employs over 400,000 people in America, including many in my congressional district, and one industry in the country that has a net surplus with foreign trade.

In June, the House overwhelmingly passed legislation to repeal this ill-advised tax policy. Now, 18 Democratic Senators have sent a letter to Majority Leader REID asking to delay the medical device tax before it can take effect at the start of the new year, providing that there is broad bipartisan and bicameral support to do away with the tax.

With just 2 weeks to go until the tax is scheduled to take effect, the medical technology industry has received little guidance about how to comply with the tax, causing significant uncertainty and confusion.

As discussions on the fiscal cliff and our Nation's economic future progress, a delay in the implementation of the medical device tax should strongly be considered.

## PROTECTING AGAINST GUN VIOLENCE

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

Mr. SABLAN. Mr. Speaker, I rise, as many others have, to offer my deepest condolences to the children, families, and community of Newtown, Connecticut. They are enduring a terrible tragedy in the Sandy Hook Elementary School shootings. But merely to offer condolence feels meaningless to me unless we also act to save other children and families and communities from a repetition of this same terrible tragedy.

We in Congress must take action to keep assault weapons and high-capacity clips out of the hands of those who are so dangerous or deranged or deluded that they can snuff out the lives of innocents on a whim. I understand there is a constitutional right to bear arms—I know the lawyers here will debate the fine points of that constitutional protection—but if our talk does not take guns out of the hands of people who would murder children, then our condolences today are just empty words.

We owe it to those who died. We owe it to children still alive. We must protect our families from this gun violence.

□ 1410

## RIGHT TO WORK FOR LESS

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

Mr. CURSON of Michigan. Mr. Speaker, the Michigan legislature shamefully passed so-called right-to-work bills in a lame-duck session that insult all Michigan workers without public hearing or listening to the voice of a single citizen. Even more shamefully, Governor Rick Snyder signed the bills into law after clearly stating repeatedly that such legislation was not on his agenda and that right-to-work laws are too divisive to consider.

The final drafts of the bipartisan Michigan labor laws that were in place prior to these despicable acts were crafted by Republican Governor George Romney and State Senator Sander Levin. They served Michigan well, creating a vibrant economy that raised the tide that brought up all ships. Small business thrived, middle class thrived. Good jobs with good benefits spawned world-class hospitals and everything else that comes with a strong economy.

Governor Snyder and his lame-duck Republicans' weak explanations attempting to justify their acts are simply cover. No citizens' group has asked to ram this legislation through, nor have any business groups. The deep-pocketed special interest groups whose only goal is to destroy unions and other labor organizations drove the puppets that created these divisive laws.

Right-to-work-for-less laws are bad for workers, bad for Michigan and bad for America.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, December 13, 2012:

H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes;

S. 1998, to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security;

S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

## 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 13, 2012.*

Hon. JOHN A. BOEHNER,
*The Speaker, 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 13, 2012 at 4:14 p.m.:

That the Senate passed S. 3313.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## 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 14, 2012.*

Hon. JOHN A. BOEHNER,
*The Speaker, 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 14, 2012 at 11:32 a.m.:

That the Senate passed S. 2045.

That the Senate passed without amendment H.R. 6116.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## 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 14, 2012.*

Hon. JOHN A. BOEHNER,
*The Speaker, 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, I have the honor to transmit a sealed envelope received from the White House on December 14, 2012, at 2:47 p.m., and said to contain a message from the President whereby he transmits the District of Columbia's FY 2013 Budget and Financial Plan.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
*Clerk of the House.*

## DISTRICT OF COLUMBIA'S FY 2013 BUDGET AND FINANCIAL PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–157)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's fiscal year (FY) 2013 Budget and Financial Plan. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed FY 2013 Budget and Financial Plan reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2013, the District estimates total revenues and expenditures of $11.4 billion.

BARACK OBAMA.

THE WHITE HOUSE, *December 14, 2012.*

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1630

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 4 o'clock and 30 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 motions 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.

Record votes on postponed questions will be taken later.

## AUTHORIZING RIGHT-OF-WAY FOR NATURAL GAS PIPELINES IN GLACIER NATIONAL PARK

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4606

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

***SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.***

*(a) IN GENERAL.—The Secretary of the Interior may issue right-of-way permits for each natural gas pipeline (including all appurtenances used in the operation of the natural gas pipeline) that, as of March 1, 2012, is located within the boundary of Glacier National Park.*

*(b) TERMS AND CONDITIONS.—A permit issued under subsection (a) shall be—*

*(1) issued as a right-of-way renewal, consistent with laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;*

*(2) for a width of not more than 25 feet on either side of the centerline of the natural gas pipeline; and*

*(3) subject to any terms and conditions that the Secretary of the Interior determines to be necessary.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Let me also as we begin this debate I would yield such time as he may consume to the gentleman from Montana whose bill this is that will talk about a power company decision that in 1962 was allowed and then in 1990 the Park Service determined they couldn't do what they already had done and now it has to be fixed.

So, Mr. Speaker, I would yield as much time as he may consume to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. I thank the gentleman from Utah for very concisely summarizing just exactly what this bill does.

I rise in support of H.R. 4606, which I have introduced. This commonsense legislation would permit the necessary safety maintenance of a natural gas pipeline that was constructed in 1962. Ordinary maintenance of the pipeline, which is the sole source of natural gas for nearly 25,000 residents in the Flathead Valley of Montana, is being prevented by red tape. About 3½ miles of this 118-mile pipeline follow U.S. Highway 2 through the southwestern border of Glacier National Park.

The National Park Service is allowed to issue an easement over lands in the park for specific purposes, including electric transmission lines and communications services. But the specific uses listed do not include natural gas lines; so under current law, they can't allow maintenance.

The law also authorizes the Federal Government to issue rights-of-way for natural gas lines—just not in national parks. And so this tiny stretch of existing pipeline, which is so critical to so many Montanans, finds itself between a legal rock and a bureaucratic hard place. Allowing maintenance of the existing pipeline is too important for further delay.

Not only is the pipeline nestled in and around Glacier National Park; but it is also near the Middle Fork of the Flathead River, which is designated as a wild and scenic river and the Great Bear Wilderness Area. An accident due to a lack of maintenance would be devastating to the local ecosystem.

Moving the line outside the park would require further harm to the surrounding environment, and it makes sense for the pipeline to use the existing roadbed for Highway 2 in order to minimize the economic impact.

My legislation simply solves this government-made problem by allowing the National Park Service to allow maintenance on the pipeline. I urge my colleagues to support this legislation.

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

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, H.R. 4606 clarifies that the National Park Service may issue right-of-way permits for a natural gas pipeline in Glacier National Park. The pipeline already exists in the park, and the legislation

provides appropriate easements for access by Northwestern Energy.

Senator TESTER first introduced this legislation in March of this year. We do not object to this legislation, Mr. Speaker, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I have only myself as the final speaker we have over here. I was wondering if there are any other speakers from the minority side.

Mr. SABLAN. No, I don't, Mr. Speaker, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, in closing on this, this is a piece of legislation that is just common sense and blindingly necessary. At risk, if it is not passed, are 25,000 people, citizens of Montana, who would be without this kind of natural gas service, as well as Glacier National Park that would be without this kind of service. It's something that needs to be done, it should have been done a long time ago, and it needs to be changed to allow the Park Service to be doing what it naturally should be doing. I urge all my colleagues to support this particular bill.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 4606, as amended.

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. BISHOP of Utah. Mr. 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.

## BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3193) to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3193

*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 ''Barona Band of Mission Indians Land Transfer Clarification Act of 2012''.

**SEC. 2. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

**SEC. 3. LAND TRANSFER.**

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108–204; 118 Stat. 544) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

''(1) The approximately 69.85 acres located in Section 21 and described as—

''(A) SW¼ SW¼, excepting the north 475 feet;

''(B) W½ SE¼ SW¼, excepting the north 475 feet;

''(C) E½ SE¼ SW¼, excepting the north 350 feet; and

''(D) the portion of W½ SE¼ that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE¼ of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE¼.

''(2) The approximately 17.02 acres located in Section 28 and described as NW¼ NW¼, excepting the east 750 feet.''; and

(2) by adding at the end the following:

''(d) CLARIFICATIONS.—

''(1) EFFECT ON SECTION.—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

''(2) EFFECT ON PRIVATE LAND.—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

''(A) held in trust by the United States for the benefit of the Band; or

''(B) considered to be a part of the reservation of the Band.''.

Passed the Senate September 22 (legislative day, September 21), 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

This particular bill corrects an error that was made in 2004 under an act of Congress under which land that was intended to be placed in trust for the Barona Band of Mission Indians in California. That law that was improperly written—amazing—gave a written legal description of the trust land that contained several mistakes. The unfortunate result was to put Congress on record as declaring that non-Indian private property is to be held in trust rather than the tribe's property.

This action placed a cloud on the title of the non-Indians' property and frustrated the tribe's effort to use the lands that Congress intended to place in trust for its benefit. However, this lagan attached to a buoy is able to be retrieved at this time and fixed in this particular piece of legislation.

Senate bill 3193 corrects this error, clearing the title to the non-Indians' property and affirming the trust status of the correct lands. The subcommittee on the Interior and Alaskan Native Affairs held a legislative hearing on the bill, which the director of the BIA and the Barona Band affirmed that this bill does, indeed, solve these issues; and we have heard no objections in the course of this bill to this particular bill.

I want to commend the efforts of the gentleman from California, Congressman DUNCAN HUNTER. Mr. HUNTER has been instrumental in working with the tribe, the surrounding community, the sponsor, and the Natural Resources Committee to bring this bill to the final legislative step before sending it to the President for signing. I also want to thank him for allowing a Senate bill to be part of the solution so that they can actually do something over there.

This is a noncontroversial bill, I urge my colleagues to pass it, and I reserve the balance of my time.

□ 1640

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

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, S. 3193, the Barona Band of Mission Indians

Land Transfer Clarification Act of 2012, corrects the legal description of land placed into trust for the Barona Band of Mission Indians in 2004. The bill places the proper parcel into trust as originally intended and clears title to the property misidentified under existing law.

S. 3193 was discharged by the Subcommittee on Indian and Alaska Native Affairs earlier this month by unanimous consent after having been passed by the full Senate in September, also by unanimous consent.

This bill is supported by the administration, the tribe, and the affected non-Indian stakeholders. I, too, support this legislation to correct Congress' error and urge my colleagues to vote in favor of passage.

With that, I reserve the balance of my time.

Mr. BISHOP of Utah. Once again, I'm the only speaker we have over here, and I'm prepared to close when the gentleman from the Northern Mariana Islands is.

Mr. SABLAN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this is another bill that is noncontroversial. It solves a problem that should have been solved a long time ago, and I urge my colleagues to vote for it.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, S. 3193.

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. BISHOP of Utah. Mr. 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.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 41 minutes p.m.), the House stood in recess.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 31 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4604 and S. 3193, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## AUTHORIZING RIGHT-OF-WAY FOR NATURAL GAS PIPELINES IN GLACIER NATIONAL PARK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 286, nays 10, not voting 135, as follows:

[Roll No. 627]

YEAS—286

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barletta
Barrow
Bass (CA)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Calvert
Camp
Canseco
Cantor
Capito
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Cleaver
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Crawford
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fitzpatrick
Fleischmann
Flores
Foxx
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gibbs
Gingrey (GA)
Gosar
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Hinojosa
Hochul
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Marino
Massie
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Olson
Palazzo
Pallone
Pascrell
Paul
Paulsen
Payne
Pearce
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Scalise
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shuster
Sires
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (IN)

NAYS—10

Clarke (NY)
Clay
Conyers
Edwards
Farr
Kucinich
Lewis (GA)
Lynch
McDermott
Serrano

NOT VOTING—135

Ackerman
Akin
Austria
Baca
Bachmann
Barber
Bartlett
Barton (TX)
Bass (NH)
Berman
Bishop (NY)
Boswell
Brady (PA)
Brady (TX)
Buchanan
Burgess
Burton (IN)
Butterfield
Campbell
Capps
Capuano
Carnahan
Cicilline
Clyburn
Coble
Cohen
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Culberson
Davis (IL)
DeLauro
Dicks
Dingell
Fincher
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)
Gallegly
Gerlach
Gibson
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Griffin (AR)
Grijalva
Guinta
Gutierrez
Hanabusa
Hanna
Harris
Hartzler
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Jackson Lee (TX)
Johnson (IL)
Johnson, Sam
Jones
Kind
Kissell
Landry
Langevin
Larson (CT)
Lipinski
Luján
Manzullo
Marchant
Markey
Matsui
McGovern
McIntyre
McNerney
Meeks
Moore
Moran
Neal
Nunes
Nunnelee
Olver
Owens
Pastor (AZ)
Pelosi
Pence
Reyes
Richmond
Rivera
Rogers (AL)
Rohrabacher
Rokita
Ross (AR)
Rothman (NJ)
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schock
Scott (SC)
Shimkus
Shuler
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Tiberi
Towns
Walsh (IL)
Waters
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Young (AK)
Young (FL)

□ 1857

Messrs. CLAY and CONYERS changed their vote from ''yea'' to ''nay.''

Messrs. CROWLEY, HASTINGS of Florida, BERG, Ms. ZOE LOFGREN of California, and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. Speaker, Ms. SCHAKOWSKY. on rollcall No. 627, had I been present, I would have voted "yea."

Mr. LARSON of Conneticut. Mr. Speaker, on December 17, 2012—I was not present for rollcall vote 627. I was attending a vigil in memory of the lives lost at the Sandy Hook Elementary shooting in Newtown, CT. If I had been present for this vote, I would have voted "yea" on rollcall vote 627.

## MOMENT OF SILENCE IN MEMORY OF VICTIMS OF CONNECTICUT SHOOTING

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

Mr. MURPHY of Connecticut. Mr. Speaker, on Friday morning, I brought my 4-year-old to school. I dropped him off at 8:45, just like millions of other parents did all across this country, and a few hours later I saw him again. He had a big smile on his face.

In Newtown, Connecticut, on Friday, 20 parents dropped their first graders off at Sandy Hook Elementary or kissed them good-bye as they got on the school bus, and that was the last time they saw their kids.

Something horrible, something unexplainable happened at Sandy Hook Elementary last week. When people ask me how are folks doing, I tell them right now there's a lot of blank looks, these people are just trying to process what happened. Twenty gleaming, beautiful children were gunned down, along with six adults who loved them dearly, by a young man with a sickness that masqueraded as evil that day.

So we are left asking all these questions: Why? Why us? Why these little kids? Why did he do it? Why weren't we able to prevent this from happening? The whys are almost infinite.

In the coming days and weeks, I guess we'll get some answers to these questions, but most of them won't have answers. But when you peek through this vast crippling darkness of the last 4 days, there's one answer that we know for certain. If we ever wondered what kind of community Newtown was, if we ever doubted the deepness of our love for one another, those questions have been answered, and they've been answered definitively.

They were answered by Principal Dawn Hochsprung, who told her colleagues to run one way so that she could run the other way, directly toward the gunman. They were answered by Victoria Soto, who hid her kids in a closet and died shielding her students from the assassin's bullets. And they've been answered by the thousands of individual acts of humanity that have overflowed from the people of Newtown in the days since the shooting, a community just pouring out love trying to help console this incalculable grief.

I went to the first of too many funerals this morning, and the last thing we know is this: All those wonderful little faces that you see on TV and in the newspaper, like Noah Pozner, who was laid to rest this morning, they're a reminder that despite the terrible and awful things that happened, that inside the hearts of all of this is this unbelievable goodness. That's all Noah Pozner had was goodness, was just this purity of spirit.

Newtown is going to survive this because it's a close town. They hurt more because they're close, but they also can survive because they're close. And they can also survive because they will get this inspiration from these 20 little kids who are asking this town to remember how good they were and try to equal that.

As Newtown wrestles with this grief and recovery, the thoughts and the prayers from others matter. I want to thank everyone here for all of the individual love that you've showered down upon our little town. I want to thank the Connecticut delegation here with me today for all of their support. It helps in some small way to know that the world is grieving with us.

So, Mr. Speaker, I would ask that the House now rise and observe a moment of silence for the 20 beautiful children and six courageous adults who perished on a crisp, cold Friday morning in Sandy Hook, Connecticut.

The SPEAKER. The Chair would ask all present to rise and observe a moment of silence.

## BARONA BAND OF MISSION INDIANS LAND TRANSFER CLARIFICATION ACT OF 2012

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3193) to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 306, nays 0, not voting 125, as follows:

[Roll No. 628]

YEAS—306

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barber
Barletta
Barrow
Bass (CA)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Calvert
Camp
Canseco
Cantor
Capito
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Flores
Foxx
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gibbs
Gingrey (GA)
Gosar
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Himes
Hinojosa
Hochul
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Olson
Palazzo
Pallone
Pascrell
Paul
Paulsen
Payne
Pearce
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Ribble
Richardson
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuster
Sires
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen

Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—125

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Barton (TX)
Bass (NH)
Berman
Bishop (NY)
Boswell
Brady (PA)
Brady (TX)
Buchanan
Burgess
Burton (IN)
Butterfield
Campbell
Capps
Capuano
Carnahan
Clyburn
Coble
Cohen
Costa
Costello
Cravaack
Crenshaw
Critz
Culberson
Davis (IL)
Dicks
Dingell
Fincher
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)
Gallegly
Gerlach
Gibson
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Griffin (AR)
Grijalva
Guinta
Gutierrez
Hanabusa
Hanna
Harris
Hartzler
Heinrich
Herrera Beutler
Higgins
Hinchey
Hirono
Holden
Holt
Jackson Lee (TX)
Johnson (IL)
Johnson, Sam
Jones
Kind
Kissell
Landry
Langevin
Lipinski
Luján
Lynch
Manzullo
Marchant
Markey
McCarthy (NY)
McIntyre
Meeks
Moore
Moran
Neal
Nunes
Nunnelee
Olver
Owens
Pastor (AZ)
Pelosi
Pence
Renacci
Reyes
Richmond
Rivera
Rohrabacher
Rokita
Ross (AR)
Rothman (NJ)
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schilling
Schock
Scott (SC)
Shimkus
Shuler
Simpson
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Tiberi
Towns
Walsh (IL)
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Young (FL)

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 627 and 628. Had I been present, I would have voted "yea" on rollcall vote Nos. 627 and 628.

## THE JOURNAL

The SPEAKER pro tempore (Mr. WOODALL). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

## CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THIS TRAGEDY

Mr. KLINE. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of House Resolution 833 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. AUSTIN SCOTT of Georgia). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the resolution is as follows:

Whereas on December 14, 2012 a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the Greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1 hour.

Mr. KLINE. Mr. Speaker, I yield myself a moment to briefly offer my heartfelt condolences to the families of Newtown, Connecticut. What happened at Sandy Hook Elementary School last Friday is simply unspeakable, and we as a Nation are devastated by the loss of so many innocent lives. In the face of such tragedy, it is our duty to join together and honor the memory of the victims. Let us stand united in offering our prayers to their families and friends.

Mr. Speaker, I yield my time to the gentleman from Connecticut (Mr. MURPHY) and ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I thank the chairman very much for his kind words and for his generosity in allowing us to have this time on the floor this evening to both remember the 26 individuals who were brutally murdered on Friday morning in the village of Sandy Hook in the town of Newtown, Connecticut, but also to start to paint a pathway forward. Right now, Newtown, Connecticut, is grieving deeply. It's going to be grieving for a long time because, frankly, we are just in the process of figuring out what to think about this, never mind understanding how to recover. This morning, at the first of what will be far too many funerals, you could start to see through the darkness a glimmer of how we figure a way out of this.

Little Noah Pozner was buried this morning by his parents and by his family. Noah was an amazing little 6-year-old. Not unlike most other precocious 6-year-olds, he loved role-playing; he was mischievous; he was as smart as a whip. He always talked about what he wanted to do in life, what he wanted to be. One day, he'd say he wanted to be a doctor. On another day, he'd say he wanted to be a police officer. On most days, his mom said he wanted to be a taco store owner. He loved tacos. That was his dream in life.

What we've seen on TV and in newspapers are these faces, the beautiful, gleaming, pure faces of these 20 first graders who perished; and while all of our hearts are just sick with grief, we know that their purity and their love is going to be the inspiration for the little community of Newtown and, frankly, for this whole country and this whole world to figure out how to recover.

I've been there on the ground since Friday afternoon almost nonstop, and Newtown is asking itself lots of questions about why it happened to us. What could we have done? Why did this guy do it? As I just said on the House floor, those questions are going to stick around for a while; but what you see in Newtown today is just this overabundant love. I mean, within hours, the fire station was filled with counselors, filled with public safety personnel, filled with food, filled with everything that could possibly support these families. Those offers of help and those offers of support have just kept on coming and kept on coming.

What has also emerged are the stories of what happened that day. Certainly, the tragedy and the horror is first and foremost; but underneath that is heroism, only the beginnings of which we know right now. This is a great school, first of all. This was the best school in Newtown, one of the best in the entire State, and it's because of a principal named Dawn Hochsprung.

Dawn was a great principal right to the end. She was in a meeting when it happened. She told the people in the meeting to run the other way so that she could run directly to the shooter to try to disarm him. A young teacher, Victoria Soto, had the soundness of

mind to tell her kids to hide in the closet. She told the shooter that the students were in the gymnasium, somewhere else in the building.

□ 1920

She didn't survive, but many of her students did because of what she did.

When you start to hear more snippets of teachers who got their colleagues out the window, of kindergarten teachers who huddled their kids, kept them quiet, hummed to them, read them quiet stories so they wouldn't be overheard, you start to know what kind of community Newtown is, and you start to understand how Newtown survives.

I feel like I've done a lot of talking the last 4 days, both publicly and to families and to community members, and so I want to make sure that this is an hour where those who have been grieving all across the country can come and share their thoughts as well.

We've offered a resolution tonight which expresses both our outrage at what happened that day, but also our great sympathy. It does help to know that people from all around the country, from every congressional district and from every country around the world are grieving with us. Only bits and pieces of that seeps through that wall of misery that surrounds Newtown now; but when it does pierce that veil, it helps.

We're going to have a lot of time over the next few days and weeks to talk about what we do next, and I'm sure we'll have some of that discussion tonight. I'll join that conversation when it's right, and I don't begrudge anybody that has it today. It's important to talk about how we move forward and how we make sure this never ever happens again. For those of us in Newtown, we remember those 20 kids and those six adults—Charlotte Bacon, Daniel Barden, Rachel D'Avino, Olivia Rose Engel, Josephine Gay, Dawn Hochsprung, Dylan Hockley, Madeleine Hsu, Catherine Hubbard, Chase Kowalski, Jesse Lewis, Ana Grace Marquez-Greene, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and Allison Wyatt.

I'm going to remember those people for a long time in Newtown. I'm going to grieve with them and their families. We're also going to take their memories, the beauty of those kids, the heroism of those adults, and let it point us, let it point the strong, close-knit community of Newtown, Connecticut, let it point us to a way we can survive.

With that, I'd like to yield 5 minutes to my friend from the Third Congressional District of Connecticut, ROSA DELAURO.

MS. DELAURO. I thank the gentleman, and I thank him for the depth of his feeling and the work he has done over the last several days, to help to bring some solace and peace to families who have been so struck by the devastation in Newtown, Connecticut.

I strongly support this resolution and condemn, as my colleagues do, the vicious attack at the Sandy Hook Elementary School and commemorate our children and the teachers who were struck down in this terrible tragedy.

It is overwhelming. I think all of us at the memorial service last night were overwhelmed. It was a slaughter of the innocent. Every parent and grandparent sees in the eyes and the smiles and the looks on those children's faces who we lost their own children and their grandchildren, knowing that there for the grace of God go I.

What happened in Newtown is unthinkable. A normal Friday morning in the midst of a holiday season, Sandy Hook Elementary School, a place where children should be safe to learn, to grow, suddenly without warning became a place of senseless violence. Within minutes, the actions of a young and mentally ill man devastated a small town community, broke the hearts of millions across the country, and murdered six teachers and administrators and 20 innocent children, all of them between 6 and 7 years old.

They're that big. They are that big.

Such an unspeakable crime seems impossible to make sense of. How could this young man kill so many innocent? How could so many beautiful little angels with their whole lives ahead of them be taken from their families? They were just babies. They were just babies. It's hard to witness such a senseless and evil act and similar acts that some of my colleagues in this Chamber have faced. In Aurora and Portland, Oakland, Tucson, Blacksburg, Littleton, you can't help but feel a despairing of the soul.

We in this institution cannot afford that luxury. We need to be strong for the families of the fallen in Newtown and for the families of children all over America. To the Newtown community and to all of the Connecticut families and parents and siblings who have been touched by what happened on Friday, our thoughts and our prayers are with you. What you are going through is indescribable. We can be sympathetic. We can be empathetic. We do not know that sense of despair that you feel, but you must know that our Nation shares and mourns your loss. mourns your loss.

I, too, as did my colleague, CHRIS MURPHY, acknowledge the tremendous heroism of the adults who were killed on Friday. Individuals like Principal Dawn Hochsprung who ran at the assassin, told people to run away from him in order to protect her kids and the school. The schoolteacher Vicki Soto of Stratford, Connecticut, and I represent Stratford, Connecticut, who in the heat of a terrible moment gave her life to protect her students. She hid them. She hid them, and lost her life in doing so.

They all died in the line of duty. They are heroes and heroines. They gave their lives to protect those children that they deal with every day, that they educate, that they care for, and that they love as if they were their own.

To the first responders who put their lives on the line to stop the senseless killing in Sandy Hook, we say thank you for your courage and for preventing more young lives from being lost, for they too ran into a building not knowing what they were going to face.

Moving forward, we in this institution have to take commonsense, constructive steps that will help to ensure these types of tragedies will not happen again; and they include ensuring better access to quality mental health care, strengthening programs so communities will have the necessary mental health resources.

We've heard so much in the last several days about how we need to secure the physical plant of the school; and, yes, we need to do that. They need to be secure, but we cannot turn them into prisons for these young people. I wish and hope that at the same time we're talking about those kinds of efforts, that we talk about putting a mental health professional in our schools. That is security, as well as stationing police cruisers in front of our schools.

It means doing everything in our power to prevent guns from falling into the hands of violent criminals, and giving law enforcement officials the tools they need.

□ 1930

The President said last night that caring for our children must be our first task, and we can no longer tolerate these tragedies, and we must change. He asked if we are doing what we can to protect our children, and he said that answer must be no, and we need to protect them.

At a more fundamental level, we cannot let this terrible tragedy harden our hearts against our fellow men and women. In the words of Dr. Martin Luther King:

> Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that.

So let us honor the fallen in Newtown by doing everything that we can to prevent these tragedies in the future. Let us follow the example of those heroes and innocents who perished. Let's commit to one another to rekindling our faith and love, compassion and community. Let's hold our children and our grandchildren close. Love them and tell them that you love them as many times as you are able.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 833.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. At this time I would yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Thank you, CHRIS MURPHY.

We just came from a vigil over on the Senate side that Senator LIEBERMAN, Senator BLUMENTHAL, and former Senator Dodd were at, and all of us had the opportunity to be there.

JOE COURTNEY, when he spoke, spoke of our colleague CHRIS MURPHY and the incredible job that he's done for his district and for our State. When you hear him speak on the floor about quintessential New England and the community he represented for 6 years in Newtown and the little village of Sandy Hook, you understand that this is a man who truly represents the people of his district and this great State.

All of us have been shocked by the events that have transpired. Many things will be said. DICK BLUMENTHAL, ELIZABETH ESTY, who's the Representative-elect, have been there for the last 4 days. The whole world has looked in on this horrific event. And parents all across this country and all across the world understood implicitly what we all fear—the unspeakable: the parent describing a trip in an automobile from Bridgeport to Newtown, racing to get there to see whether their child was alive, had survived, and the joy when they were able to see their kids; and the complete and utter despair when your child was not one of the kids who came out. And CHRIS MURPHY and DICK BLUMENTHAL and ELIZABETH ESTY, our colleagues, were there.

These first responders who came on the scene and prevented the loss of more lives deserve our unending thanks. The great coordination by our State police and local police, everything that transpired, all the volunteers that participated; the teachers, the professionalism that they exhibited, the execution of a drill that they had been through time and again; and, as Rosa talked about, the principal and the teacher who sheltered her children and gave her own life. These are difficult things.

As Chris has so eloquently said, we're seeking answers and know that we must move on. And where do you find the strength? We found the strength in a great leader, in a Governor, Dan Malloy, who's been there all 4 days and beyond.

At the vigil last evening where the President spoke in an ecumenical gathering, he said:

> As winter approaches and snow begins to fall, I will always think of these children as precious snowflakes during this winter of events. But I am heartened by the fact that every spring when the flowers bloom, we will think of their precious memory as well.

Our President said that the people of Newtown were inspirational. Indeed, they are.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURPHY of Connecticut. I yield the gentleman an additional 30 seconds.

Mr. LARSON of Connecticut. Clio, the muse of history, used to sit above this Chamber. The muse of history's responsibility was to sit there, as you'll see the statue in Statuary Hall, with a book and pen, recording the events of this Chamber. We are in a unique position of responsibility. We have been sent here to perform a duty; and not only the muse of history, but all the world is watching the United States Congress.

We have a responsibility to respond in the most comprehensive way. This is an attack of terrorism. This has happened all too often and all too frequently all across this country. And in such an attack, we would do everything within our power to make sure that no stone was left unturned, to make sure that we provided every answer and every opportunity that we can, as Rosa said, to protect our children. That's why we take an oath of office here. That is our God-given responsibility. We must act, and act now.

Mr. MURPHY of Connecticut. At this point, I would yield 5 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, again I want to just begin by saluting my colleague from Connecticut, CHRIS MURPHY, who over the last 72 hours has been the voice of the community of western Connecticut, and Newtown in particular. He has handled his role in that capacity with poise and good decorum and taste. It really is something that I think we should all, in this Chamber, be so proud of.

I would also want to mention that he did it as a father of someone who has a 4-year-old son, Owen, who I'm sure was seeing all around him the events that were unfolding, the unspeakable horror again in the eyes of a parent of a child really of the same age group. Again, we are just so lucky to have had his amazing leadership over the last 3 or 4 days.

The President last night opened his remarks about how the town of Newtown is really like many communities in America. To a point, it's true. It's 29,000, tight-knit, a very small town. But it is a town that, frankly, is above average in many instances.

□ 1940

It is a school system that scores at the absolute top of the Mastery Test in the State of Connecticut. And that doesn't happen by accident. It's because it has parents and staff that, year in and year out, have been so committed to making sure the children succeed and excel, and it has been a model for the State of Connecticut and for our country when education really still is, I think, probably one of the most important challenges that we need to succeed in as a country.

For this event to happen at Sandy Hook Elementary School, a school that, when I was sitting with the Board of Education last night during the interfaith vigil, all of them were talking about their kids who'd gone through Sandy Hook and now were successfully pursuing careers in New York and the west coast and in Connecticut, it really just tore the heart out of this community. It's a community where they've had one act of homicide over the last 10 years. And to see those police officers come down the aisle after having to respond to this unspeakable horror and to see the looks on their face and the emotional drain that took place, it really was just something that was just so out of any norm for any community, but certainly, in particular, for the town of Newtown.

As Chris said, in every instance, whether it was the principal, the teachers, the parents, the first responders, the caregivers, they rose to the challenge. They did their job.

Victoria Soto, the teacher who shielded and literally saved the lives of at least half a dozen students, was in the middle of a lesson when this person burst into her classroom, 10 minutes from beginning to end. Since this debate has started, the event had already reached its conclusion, just in the time that we've been here on the floor. For her to think so quickly and to react so courageously is an act of human excellence that I think all of us will wonder whether or not we ourselves could have possibly done the same.

Her example, the example of the police and the EMS, the example of the doctors and nurses who responded so quickly, frankly, I see that as a challenge to this Congress. They acted. They did what they were supposed to do. And as the President said last night, if you believe that the measure of a society is how we protect our children, if you're honest, you have to answer that we really are not doing all that we can do, and, frankly, it is time for us to follow the example of the Victoria Sotos and to act. This resolution tonight is so important to begin that first step. But the fact of the matter is that there is much more that needs to be done.

This morning, as I was driving to the airport on the back roads of Connecticut, I went by a number of elementary schools. At every single one of them, there was a police cruiser at the entrance. Again, the State police and the local police departments, I think, were being very thoughtful. They wanted to make sure that when the parents and kids were going to school, they felt safe, and that after all they had seen on the TV over the weekend, it was okay to go in the entrance of their schools. But that is not an answer. To say that we are going to turn our schools into fortresses is not where we should be as a Nation. We need to go deeper in terms of solving this problem of mass killings and of violence that now, again, is striking at the most innocent in our society.

I look forward to working with the gentleman from the Fifth District over

the next few days, and when he takes his new duties as the new Senator from the State of Connecticut, to make sure that the people in that room last night who were listening to the President, the people in our State, the people in our country, the people in the world that are now watching us, that we make sure that we deliver, just like the brave people of the town of Newtown did over this past weekend.

Mr. MURPHY of Connecticut. I yield 5 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I'd like to begin by thanking my friend and colleague from Connecticut, Congressman MURPHY, not just for introducing this legislation, but for his strength of spirit as he has comforted some people who have lived through something that none of us would ever want to live through.

As Congressman MURPHY noted, Noah Pozner, a 6-year-old boy, was buried today, as was Jack Pinto, another 6-year-old boy. I looked at the photographs of the parents at those funerals and tried to imagine the bottomless grief, the anger, the questions they must have. Of course, that's impossible. At the very front of those questions is the question of, ''Why?'' That is something that we'll all struggle with individually, reverting probably only imperfectly onto the tenets of our faith as we consider how this supposedly benevolent God could allow this sort of slaughter of innocents to happen. We won't answer that question.

Last night, with the President and my family, by which I mean my colleagues from Connecticut, as we listened to the President and listened to the sighs and the gasps of the families in the community of Newtown, it's clear there's no answer to that question of ''Why?'' A line of poetry kept running through my head. Thomas Hardy, in one of his poems, asked:

How arrives it joy lies slain, And why unblooms the best hope ever sown?

We won't answer that question, but that question and its unanswerability will transform itself into a burden that we all will and must bear. By ''we all,'' I mean every citizen of this country, but particularly those of us who are entrusted by our constituents with one thing, which is to make sure that this does not happen again. And I don't think there's any risk at all that we can't do that.

In a country awash in guns—and not just guns for the hunter or the person who wishes to protect him- or herself, but guns that were designed with the explicit purpose of killing as many people as rapidly as possible; not in a country that has raised violence to a secular religion, to a pastime, to a hobby, to a solution to our problems; and not in a country that seems to have forgotten that it's not just our close families, it's not just the small Connecticut delegation that is a family, but that we are a national family and that we have obligations of responsibility one to each other—there's a clear answer to that ancient biblical question, ''Am I my brother's keeper?'' And that answer is, ''Yes.''

So I don't think there's any risk that we can't act, but I think that there is a profound risk that, just as after Aurora, just as after Oregon, just as after Columbine, we won't act. And that's not good enough.

I'll tell you how I'm going to challenge myself. I'm going to imagine Noah and Jack, 6-year-olds who nobody really knew. I didn't know them. Their parents didn't really know them—didn't know where they'd go to college, what they'd grow up to be, who they'd take to a prom. I'm going to imagine them standing right here—and that's not hard for me, with a 10-year-old and a 13-year-old at home—looking up and asking, ''Will you do it?''

Mr. MURPHY of Connecticut. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 33 minutes remaining.

Mr. MURPHY of Connecticut. Thank you, Mr. Speaker.

We've got a number of speakers, so we'll try to give 1½ minutes to as many as we can.

I yield 1½ minutes to the gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. ''Not again.'' We all said it to ourselves in the split second we heard it on Friday, ''Not again.'' Then, when we heard about the victims, we knew it was different. Twenty little children slaughtered in their classroom. In our sadness, we know our society bears responsibility because we have not done enough to protect our children.

□ 1950

We have not been able to get a grip on the increasing incidence of gun massacres, and because of that we have failed our children.

In the wake of Newtown, this country must really have a conversation about our views on violence, our views on guns, and how we're going to respond to people who are obviously mentally ill. Certainly through that conversation we can find consensus around reasonable solutions to keep these killing machines out of the hands of impaired individuals.

There's not one magic solution. It's not one thing. It's many things. It starts by us having inward conversations with ourselves and our families. It then starts by creating a more comprehensive and effective mental health system. Then we have to have a meaningful conversation about gun violence in our country. We are never going to be able to stop a deranged individual from going into a school or a movie theater or a shopping mall to shoot people; but if you limit the weapons and the ammunition available to them, you can give the people in their sights some fighting chance to stop that killer.

Of the 12 deadliest shooting massacres in history, six have occurred since 2007. In 1999, in my second term of Congress, I dealt with the devastation of Columbine, which is now in my district. Just this summer, I stood here like the Connecticut Representatives.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MURPHY of Connecticut. I yield the gentlelady 30 additional seconds.

Ms. DEGETTE. I stood right here with my Representatives from Colorado, like the Connecticut delegation, and mourned our friends in Aurora. And now again we stand here.

We can start by passing a bill this week to ban high-capacity ammo clips, the same kind this killer used and the same kind the killer in Aurora used. My colleague and friend, CAROLYN MCCARTHY, and I have a bill to do just that, and we're going to urge the Republican leadership to do that this week. But after that, we have to have that conversation as parents, as neighbors, as friends, and the custodians of those 20 courageous little souls and the adults who tried to protect them.

Mr. MURPHY of Connecticut. At this time I yield 1 minute to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. As a mother and grandmother, I offer my words to the mountains of condolences to the families of the 20 children and the six heroic adults in Newtown, Connecticut. All of America is mourning with you, but we owe you more than our grief and our condolences.

It is almost unthinkable that a school could be the scene of such horror. Parents across the Nation are worrying about how to keep their own children safe, and the terrible truth is that children in the United States are 13 times more likely to be killed by gun violence than children in other industrialized countries.

We need to close the gun show loophole and require criminal background checks for anyone purchasing a gun—a proposal supported by 74 percent of NRA members and 96 percent of all Americans. We must outlaw assault weapons and high-capacity ammunition clips. These are weapons of mass destruction made for the military battlefields, not our neighborhoods.

It is time to grieve. It is time to act to end the gun violence before we lose more of our precious children and loved ones.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point I yield 1½ minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I want to thank my colleague. I know what you're going through. I know what your district is going through. And I want you to know that the people of the United States of America are saying their prayers for all of your constituents and certainly for the children.

I rise in support of H. Res. 833. As someone whose family has been a victim of gun violence, my heart goes out to the victims and the families of this

horrific tragedy. I know what it's like to lose someone you love, and I offer my deepest sympathies and our prayers for those who have been affected. To be very honest with you, I know that victims across this country that have been affected by gun violence, they are with you and they will be with you.

It breaks my heart to think of the holidays coming up, and Christmas, and the children not going to be there to open up their gifts, the parents going to their bedrooms and not seeing anybody there.

I know there are an awful lot of unanswered questions right now, and those answers will come soon. But I have to say, as some of my colleagues have said: Enough. Enough. More people have died in the last several years than the whole Vietnam war. More people are injured.

I will just say the first responders, the police officers, our prayers will be there. And I swear to God I will do everything in my power to make this a safer country for our children.

Mr. MURPHY of Connecticut. I thank the gentlelady.

At this point I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. The Sandy Hook Elementary School shooting was shattering for Americans everywhere. For such an unspeakable act of violence to take place at an elementary school—a place of safety, learning and lively spirit—was devastating. My own sons are grown, but my memories from their first days at school are still very vivid.

The shooting was both a deeply personal family tragedy and a tragedy for the community of Newtown and for our Nation. I, along with all American parents, feel the loss personally. It brought not only tears, but also deep sadness. The youngest victims were 6, 7. It's unacceptable.

We feel the loss of each child, so innocent, so joyful—their hopes, their dreams and their potential never to be fulfilled. We mourn the loss of the teachers and staff who were a comfort to their students and who did all that they could to protect them. My thoughts and my prayers are with each of the families and all of Newtown. did all that they could to protect them. My thoughts and my prayers are with each of the families and all of Newtown.

We have seen far too many moments of violence and loss. This loss is too devastating to ignore. I believe that even in this time of deep sadness and grief we must resolve to end such violence. We must do better to understand and treat mental illness. And we must come together to move our Nation towards commonsense, reasonable gun laws, laws that recognize the responsibility of gun ownership and ensure safety and security in our homes and our schools and our communities and in our public spaces.

One of the Nation's greatest strengths that we have as Americans and as a people is that our Nation and each of us is so resilient. We must use that resilience to not only grieve together at this really difficult time, but to work together to prevent yet another devastating act of violence and to be shattered once again.

We should act, and I join my colleagues in a willingness and a commitment to do so.

Mr. MURPHY of Connecticut. I yield 1½ minutes to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS. I thank the gentleman from Connecticut for your leadership, and I share in your absolute sorrow, and to honor the memory of the 20 children and six educators who lost their lives in this really horrific attack at Sandy Hook Elementary School in Newtown, Connecticut. My thoughts and prayers are with the victims and their families and our first responders, and all of those both in Newtown and across this country who were affected by this tragedy.

First, as a mother, my heart truly aches for the parents who lost their children. Young and old lost their future. But as a Member of Congress, I also know that we're not doing nearly enough to protect our children and to protect our communities from gun violence. In cities and rural areas, schools, offices and homes, this has happened far too many times in far too many communities all across our country.

In my district alone there have been over 160 incidences of gun violence this year. Forty-six people in my district have lost their lives to gun violence this year. I think about 6-year-old Amari Perkins, who lost his life to gun violence just miles from the Nation's Capitol, and 17-year-old Amber Stanley, who lost her life to gun violence.

This is a really complex problem that requires complex policy solutions, but the complexity should not keep us from doing what it is that we need to do to protect our children, whether those children are in Newtown or any town across this country. The question I think we have to ask ourselves, Mr. Speaker, is how many more tragic and senseless acts of violence have to take place before Congress is compelled to take truly meaningful action?

□ 2000

We must do all we can by working together to ensure people are safe in their schools, that our children are safe, that our educators are safe and our neighborhoods, our public spaces and our houses of worship all throughout our communities.

To my colleagues of the Connecticut delegation and especially to Mr. MURPHY who represents Newtown, my thoughts and prayers are with each of you during this really difficult and incomprehensible time. But be assured that as a Member of Congress, I'm going to work with you, I'm going to continue to pray with you, and I'm going to make certain that this doesn't happen again because we have an obligation, we know what our to-do list is, and we have only to do it before year's end.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I thank him for doing this Special Order.

Mr. Speaker, I have been to Newtown, Connecticut, since I have cousins who live there. It's less than an hour's drive from my congressional district.

Today, we mourn all the people who lost their lives in Newtown on Friday, including 20 elementary school children and six educators.

Over the past few years, we've seen innocent lives tragically lost to gun violence in a supermarket parking lot in Arizona, a shopping mall in Oregon, a movie theater in Colorado, an Army base in Texas, a Sikh temple in Wisconsin, a college campus in Virginia, and now an elementary school in Connecticut. The proliferation of combat-style weapons has spawned these tragedies, and it is long past time that we control them.

The Second Amendment guarantees a right to bear arms, but it does not guarantee an absolute right to military-style, high-caliber, semi-automatic, bulletproof-vest-piercing combat assault rifles with high-capacity magazines to anybody who wants them.

It just does not. And we must not let interest groups persuade us otherwise. We need sensible restrictions. We need sensible gun control legislation. We need them here, and we need them now. Our children are counting on us, and we really need to not let them down.

Mr. MURPHY of Connecticut. At this point, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank my colleague, Congressman and Senator-elect from the State of Connecticut, CHRIS MURPHY.

There have been many magnificent and heart-rending tributes being paid this evening, and how appropriate it is that they are. On behalf of my constituents in the 14th Congressional District in California, I hope that our words and our prayers and also our future actions will be a source of comfort to the parents of the victims and to the community of Newtown, Connecticut.

It is appropriate that we offer our prayers and our sympathy, but that's not enough. That is not enough. It is in this Chamber and in this Congress we're together. We can, indeed, make the changes that the American people, in their anguish, are looking for.

I can't help but think of the words of Abraham Lincoln's Gettysburg Address when he said:

> The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to their great unfinished work.

And so the massacre of these angels should really inspire us to take on the

job of what really needs to be done in our country. Will we be able to resolve every last problem that this violence has brought about in our country? I doubt that. Can we take great steps to avoid what we know has taken place in public places, in shopping malls, in theaters, on college campuses, and now for where the little angels go to school?

I pledge not only to my constituents but to the Connecticut delegation and to the people of our country that I will do everything possible to help resolve this. We know that they are living in the sight of Almighty God, but our work is truly our own, and it will be the hand of God that will guide us. I believe that.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this time, I yield 1½ minutes to the gentlelady from California (Ms. CHU).

Ms. CHU. This Friday, an unimaginable horror happened. The most innocent amongst us, 20 beautiful children, ages 6 and 7, were gunned down in cold blood, and six adults died trying to save these children's lives. My heart breaks for these families, and I send my deepest sympathies to the Newtown community and to all who are struggling through this unthinkable tragedy.

Sandy Hook made clear what we've known for too long: that we are not doing enough to protect the public from deadly weapons, that we are not doing enough to address mental health issues in our society, and that we are not doing enough to stand up to those who are actually saying that more guns, not less, are the solutions to mass shootings.

This must change. For the sake of our children, I say enough is enough. Congress must act to put a stop to this senseless gun violence.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this point, I yield 1½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise this evening to pay tribute to the innocent victims who were tragically struck down in Newtown, Connecticut, and to condemn in the strongest possible terms the senseless act of violence that claimed their lives.

That so many victims were young children who had their entire lives ahead of them makes the shooting even more heart-wrenching. The children were so young. We saw in each of them our own children, our grandchildren. They really are America's children.

Jack Pinto, 6 years old, the same age as my grandson, Robbie. He was a huge New York Giants fan and today was buried in a Giants jersey. And Noah Pozner, who is also 6, whose best friend was his twin sister, Arielle, who was in another class and survived, though I'm sure she felt she lost her other self.

These children were truly innocent, mostly knowing in their short lives just joy and little about the brutality in this world until they experienced it firsthand on Friday.

What gives us hope is that there was also love and bravery in the actions of the adults, the educators and first responders who acted selflessly and heroically. We will forever remember all of them and pledge that their purity and spirit will be our guiding light to act to protect our children and our community.

Mr. MURPHY of Connecticut. I thank the gentlewoman.

At this time, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend from Connecticut.

I rise tonight to join all Americans in grieving for the innocent children and brave adults horrifically slaughtered at Sandy Hook Elementary School last Friday. What happened in Newtown, Connecticut, is every parent's worst nightmare. Every parent who sends a child off to school each morning takes a leap of faith that he or she will be home that night for a hug, a family dinner, and for a kiss goodnight.

For my wife and me, our three children are the center of our lives. Words cannot express the sorrow that we feel—that all Americans feel—for the families whose children were so viciously taken away.

Tonight, the American people are united in grief. In the coming days, a national conversation will take place on how to make our Nation just a little bit safer, and we must remain united. Never mind that some will feel threatened by this conversation and others will try to stop it altogether.

This unspeakable crime was driven by unspeakable evil. Yet when it comes to preventing such heinous acts, nothing should stop us from speaking out; but more than that, nothing should stop us from taking action. By preventing another massacre, by stopping this rampaging gun violence, we will honor the memory of every 6- and 7-year-old child and every brave member of the Sandy Hook community we mourn for this evening.

Please, please let us do more than talk. Please let us do more than give speeches. Let us come together to act to make America safer.

□ 2010

Mr. MURPHY of Connecticut. I thank the gentleman.

I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman from Connecticut. And on behalf of all the residents of my home State of Rhode Island, I extend our profound sympathies to our neighbors in Newtown, Connecticut.

As we stand here this evening, mourning the innocent victims of this horrific massacre, our hearts ache for the parents and families who have endured an indescribable loss. We stand united as members of one community who share in the vital and solemn responsibility to protect our children, our families, and our neighborhoods.

As the men, women, and children of Newtown join together to comfort one another, to overcome the anguish and sorrow that has broken their hearts, they should know that an entire country is by their side, extending our prayers and love and are committed to action. The senseless cruelty and unspeakable violence that was inflicted upon the people of Newtown and took the lives of these precious angels have changed our Nation forever.

We honor the acts of bravery, we celebrate the lives, even those cruelly short, of those we lost; and we now must embrace our solemn duty and moral responsibility to take action in honor of the memory of the lost angels. They deserve nothing less.

Mr. MURPHY of Connecticut. I thank the gentleman.

I yield 1½ minutes to the gentleman from Michigan (Mr. CURSON).

Mr. CURSON of Michigan. Thank you, Congressman.

A few weeks ago, my grandson stood right here with me when I took my oath of office, one of the proudest moments of my life.

Just hours before this horrible act in Connecticut took place, Michigan's lame-duck legislators rewrote Michigan's gun laws to permit persons to bring concealed firearms into schools, college dorms, churches, hospitals, bars, and sports stadiums.

Firearms have absolutely no place in our schools. The tragic massacre at Sandy Hook Elementary school is a chilling and heartbreaking reminder of this. Last week, innocent children, babies, went to school to a safe place where they love to be. Six public servants went to school to the children they love almost as much as their own. Those six heroically died trying to save those precious gifts from God. Twenty of those babies were savagely murdered.

We've witnessed this horrendous tragedy before. Thirty-two innocent people were shot to death at Virginia Tech; 16 were murdered at the University of Texas in Austin; 13 students and faculty were murdered at Columbine High School.

I support reasonable gun ownership, but this bill is unnecessary and goes way too far. Senate Bill 59 is now sitting on Governor Snyder's desk. In the spirit of this resolution, I ask the Governor on behalf of Peyton and Parker, my grandchildren, on behalf of all Michigan children, that he use his power of veto and not sign that bill.

Mr. MURPHY of Connecticut. I thank the gentleman.

At this point, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Ladies and gentlemen of the Congress, the Lord Jesus said, Suffer the little children to come unto me, for they are the kingdom of Heaven. But Jesus didn't stop there. He spoke, and then he acted.

He first rebuked his disciples, brought the children to him, picked each child up in his arms, put his hand on them, prayed with them, and then blessed them. And just as Jesus spoke and acted, the people of this country are expecting this Congress to speak, but to act. The first order of business is to make sure that this kind of tragedy never happens again. The first order of business is to ban, to make illegal to own, manufacture, sell, or possess this deadly weapon that was used to massacre these 20 children and these six educators, two 23 Bushmaster semiautomatic assault weapons. If we are going to honor those children who were massacred, we need to make sure that that weapon will never be used again.

If we do not do that, then this Congress needs to hang its head in shame.

Mr. MURPHY of Connecticut. Mr. Speaker, I inquire as to how much time I have remaining.

The SPEAKER pro tempore (Mr. FARENTHOLD). The gentleman has 14 minutes remaining.

Mr. MURPHY of Connecticut. Mr. Speaker, at this point, I yield 1½ minutes to the gentleman from Michigan (Mr. CLARKE).

Mr. CLARKE of Michigan. Mr. Speaker, of all the horror this country has had to endure, there's something else that is tragic, and that is too many times someone who is mentally ill can only get treatment once they're arrested and locked up. Treating the mentally ill only when they go to prison, it doesn't make sense. It costs too much money, and many times that treatment comes too late.

I'm asking this House and this Congress this week to protect all of the funding for mental health treatment and substance abuse treatment, protect all of the funds from across-the-board cuts that could occur as a result of the fiscal cliff. I also ask all of us as Americans to finally end the stigma of mental illness and substance abuse so that those who need treatment will no longer feel ashamed to seek it.

Mr. MURPHY of Connecticut. I thank the gentleman.

At this point, I yield 1½ minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I certainly want to thank my colleagues from Connecticut for the way in which they've conducted themselves through this horrific tragedy that the whole country has experienced.

Mr. Speaker, I came to sit and listen and to be here to support my colleagues, but I did want to say a few words because I had an opportunity to speak with the press in San Diego over the last few days.

I'm almost haunted by the question that I was asked, which was, Isn't this all just going to go away? People will get on with their lives, and a period of time will commence and maybe something else horrible will happen again.

What is it that we can do? I think it is a collective responsibility. It is certainly all of our responsibility. The President, I believe, has to take the lead, and he has begun to do that. We also have to reach out to our entire communities. I know that there are differences throughout this country. Of course there are. It's not even so much partisan differences. It's geographic in some cases. It's the way that people have chosen to live and their backgrounds and what they do.

But I think that we would be pretty surprised if we had the kinds of meetings throughout this country to allow that conversation to take place because parents throughout my district—and I know throughout the district of all of my colleagues—want to say something about how we can do better. I believe we can. If we can't, then what are we about?

I thank the President for his comments. I thank my colleagues, because I wonder could I have responded as well as they have done through this. And I certainly express my profound sorrow to the families who are enduring the absolute unthinkable. We are all parents and grandparents here, and we do identify, and we want to make a difference.

□ 2020

Mr. MURPHY of Connecticut. At this point, I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my wonderful colleague and dear friend for yielding to me, and I congratulate him on his election to the United States Senate and for responding so beautifully to his constituents and to all of us in response to the terrible tragedy that happened.

After the unfathomable tragedy, there is a growing determination and consensus that there has to be change. We also realize that if there is no change then we are destined to have yet another mass murder. This time, the mass murder was of children—elementary school children, in their school with their teachers—gunned down with an assault weapon. There are too many mass murders in this country. We have more guns per capita than any other country on Earth. If guns made people safer, this country would be very safe, but what we have are innocent people being killed with assault weapons.

Now, assault weapons are not used to kill animals, and they're not used in self-defense. These are weapons of war. When we return in January, Senator FEINSTEIN and our colleague CAROLYN MCCARTHY will be reintroducing the assault ban bill; but something we can do right now, before we leave this body, is to pass H.R. 308. We now have, roughly, 150 cosponsors. What this bill would do is ban massacre magazines. These are the large-capacity magazines that can have 100 rounds be limited to 10 rounds. They'd have to stop and reload. That's what saved people in the movie theater: He had to stop; it jammed. These magazines can gun down people, and we need to limit them. That's something we can do right now in this Congress before we leave.

There are some who say that any limitation on guns—weapons of mass destruction—somehow limits their liberty, but they have to realize that their access to these weapons of mass destruction limits the liberty of other people. It means that we need to lock more doors, that we need metal detectors everywhere, that we need guards, that we need more protection even in movie theaters, even for children in school.

We need to bring change. This bill would bring change. This is something we can do right now to show America that we respect the Second Amendment. We're not infringing on law-abiding citizens to have their pistols. What we are saying is that these large-capacity magazines that are used in war cannot be used on our schoolchildren in elementary schools. Let's come together in a bipartisan way and pass this bill.

Mr. MURPHY of Connecticut. I thank the gentlelady for those words.

I am so pleased to have joining us on the floor the Democratic leader. I yield the customary 1 minute to the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I rise in support of his very important resolution—to condemn the acts of a lone gunman in Newtown, Connecticut, and to offer condolences to the families and members of the community.

I join him in the words of this resolution of saluting the courage of the teachers and administrators who gave their lives to save the children in their care and to thank the first responders who arrived on the scene to not only get survivors to safety but to end the succession of killings that were happening. Those first responders, Mr. Speaker, leave their homes every day knowing they're going to face danger, and they did that day as well; but in the face of it, they were heroic, as were the teachers and a counselor and the principal of the school.

This has all been made very clear to us by our colleagues: Congresswoman DELAURO for whom children and the prevention of violence has been a priority for her; of course, Congressman MURPHY, Senator-elect Murphy, who represents this district with such distinction and such compassion; Congressman COURTNEY; Congressman JOHN LARSON; and Congressman JIM HIMES. All of them spoke with such beauty at our service earlier, at the candlelight service. It was so moving to hear their connections to the people there. Their words were universal.

As the President said last night, this could have been happening any place. We can't tolerate this anymore, he said. These tragedies must end, and to end them we must change.

To change our Nation is already beginning—to reassess the options before us. Leaders from both parties have

stepped forward to put forth a series of steps on the table—from restoring the ban on assault weapons and assault magazines to strengthening the system of background checks. Again, we must address the challenge of mental health and keep weapons out of the hands of those in danger so as not to do harm to themselves and to others.

The voices of reason cannot be silent. Through administrative and legislative action, we must limit the proliferation of weapons ammunitions that have no other purpose than to kill citizens. Our colleagues through the course of the evening—and Congresswoman MALONEY just before me—talked about legislation that we could pass immediately, that which the American people expect us to do, and that is to ban assault magazines. Of course, we want to ban assault weapons but also ban assault magazines. proliferation of weapons ammunitions that have no other purpose than to kill citizens. Our colleagues through the course of the evening—and Congresswoman MALONEY just before me—talked about legislation that we could pass immediately, that which the American people expect us to do, and that is to ban assault magazines. Of course, we want to ban assault weapons but also ban assault magazines.

Why is it that somebody needs a magazine with 20 shots in it and could have two of those, and then 40 lives are at risk? Why is it? I'm not even asking that rhetorically. I'm asking it of those who are advocating that we shouldn't make this change. Haven't we crossed a threshold when children in school are not safe, when people who go to the theater in Aurora have someone come in and just kill them? I mean, just to use those words is very hard.

I don't know what words we could ever use to comfort the families of Newtown, Connecticut. As a mother and a grandmother, I find it—you said ''unfathomable,'' Congresswoman MALONEY—unspeakable, unthinkable, just impossible to imagine how they go forward; but hopefully, God will give them the strength and the courage to do so.

It reminded me of a time before I was in Congress. I had the invitation of President Carter to visit Italy with a delegation—with Geraldine Ferraro, Italian American Members of Congress, Mario Cuomo, etc. We went there to deliver assistance from the United States Government after an earthquake in southern Italy. In one of the villages we visited, there was a rehearsal for first communion going on in the church, so just about every 7-year-old in the village was in church, practicing for first holy communion. When the earthquake hit, the roof came down, and every 7-year-old in the village was gone. It was impossible to console the people there. Not only had they individually lost their children, which is unthinkable, but the whole town had lost that class—their future, their new growth, their hopes, their babies.

So I really transform my thinking about how fragile life is. This was a natural disaster. What happened in Newtown, Connecticut, was a personal decision about someone whose judgment was thoroughly impaired. How could he do it? Because he had his own problems. How could he do this? Because he had the guns. He had the assault magazines to do it. That's how he could do it.

□ 2030

So let's at least try to mitigate, for circumstances that we may not be able to control entirely, the mental condition of someone, but at least limit the capacity to kill that that person has.

Just hearing the reaction to the expressions of sympathy to the families, to see the President read the names and hear the sobbing, this is something that will scar our country. If we can do something to prevent it from happening again to this extent, maybe we can't prevent it all from happening, but if we're going to take care of our people, we have to take care of them in many ways—address the issue of violence, address the issue of mental health, address the issue of where mental health and assault magazines comes together.

Some people are calling them high capacity or whatever. They're assault magazines. They make every weapon an assault weapon that they are compatible with, whether it's a pistol or rifle or whatever it is. So yes, we want to ban assault weapons, but these assault magazines make every weapon that they are compatible with an assault weapon.

It doesn't take a whole lot to figure out what we need to do immediately, and then maybe do more later. But wouldn't that be a comfort to these families to know that although they lost their babies, their little angels, their precious darlings gone to heaven, that something would come of it to prevent this from happening to others.

I always wondered in the Bible when Christ says:

> Suffer little children, and come unto me. Suffer little children, and come unto me.

I guess it was an interpretation of the word ''suffer,'' allow little children to come unto me. But Christ was calling children to Him. He used the word ''suffer.''

These children, their lives are gone. Their families are suffering. The other children in the school, in the neighborhood, children who just have heard about this, they're suffering, too; suffering about what it feels like to go to school and not be sure you're safe, staying up at night being sleepless in terms of being scared of what could happen.

Let's stop the suffering of our children, whether it's taking their lives, scaring them from going to school or keeping them up at night, giving them nightmares over their safety. These little children did suffer, and they did go on to heaven, a better place. It's the timing we have a problem with. Far too soon, far too many, for a reason that we can do something about.

So I commend my colleagues for how they came together, led by the community coming together, the community of Newtown and Sandy Hook, such an inspiration to the country, so strong, so courageous, so sad. Let's show them that not only do we offer words, we offer action, and that action will take the form of passing this legislation to ban assault magazines, to do so in a timely fashion, so that in a non-untimely fashion we won't lose any more lives.

Again, I want to commend the President for his beautiful words, mostly to the families last night and to the community, and the source of strength and inspiration he was. He challenged us to act. Let me just say it again: ''We can't tolerate this any more,'' he said. ''These tragedies must end; and to end them, we must change.''

Thank you, Mr. MURPHY, for your leadership.

Mr. MURPHY of Connecticut. I thank the Leader very much. I thank very much my delegation. And I thank all who have come down this evening to publicly express their support for the families of Newtown to help paint us a path forward; and thank you very much, everyone, for your private words as well.

I'll leave everyone with just two final thoughts. First, a thought about Newtown itself.

Newtown is a small town. It's a small town that is very close-knit. As I've said a number of times over the past few days, the pride of Newtown is the Labor Day parade. It's the biggest Labor Day parade in the State, and people from all over the State come to Newtown on Labor Day. Everybody in town spends half the year getting their float or their marching contingent ready—the school groups, the churches, the community and civic groups. It's a slice of Americana out of a Norman Rockwell painting. And that's Newtown. That's particularly Sandy Hook. And the closeness of this community, it makes the grief even deeper because everybody knows everybody. When a school, a community school has this many lost lives, it touches a little bit deeper.

But I think it also paints the path forward to recovery because people are so close, because you don't have to go too far to have somebody be able to reach out and grab your shoulder in order to give you a little bit of a boost, a pathway back. The closeness of Newtown makes it hurt more, but the closeness of Newtown will also make us heal as well.

We've got great leaders as well. Governor Malloy was on the ground within hours, and he basically has not left and has not slept. Pat Llodra, the first selectwoman, has been just an inspiration. The superintendent of schools, the police chief, and the all-volunteer fire department, these men and women

in the fire department, none of them are getting paid, and they've been down at the firehouse, out at the site, in the community almost without end since this incident.

And this final thought. On Sunday morning, Senator BLUMENTHAL and I went to the church service at the local Congregational Church, and a guy grabbed us as we were walking out, gripped our arms tight and said, ''Make sure this never, ever happens again.''

You know, the honest truth is we can't make sure it never happens again, but we certainly can make it much less likely; and we can certainly find ways to make sure that if someone does slip through the cracks and they set themselves on a path of destruction, the path of destruction is nowhere near the scale we saw in Newtown.

We're grieving right now, and we're going to join this process of figuring out where we go from here very soon, but it helps to know that we have the support and the love and the sympathy and the thoughts of the United States House of Representatives. It will help me to be able to bring back this resolution to the people of Newtown and the people of Connecticut. And we know that very shortly we will join you, we will join the President in figuring out a way to make sure that, within our power, this doesn't happen again.

Mr. Speaker, I yield back the balance of my time.

Mr. FARR. Mr. Speaker, over the weekend, like so many Americans, I tried to process the news of this horrible shooting at Sandy Hook Elementary School.

There simply is no way to understand what could lead an individual to want to inflict that much harm and pain on so many innocent lives.

As I dealt with a range of emotions that surfaced not just as a Member of Congress but as a father and grandfather, I could not help but shake the feeling that there is more we could have done as a legislators to prevent this tragedy.

More that could have been done to help the shooter get the mental health treatment he so desperately needed.

More that could have done to prevent such a powerful weapon from getting into the hands of a troubled soul.

More that could have been done to protect the children of Newtown, Connecticut.

Today, I too pray for their community and those who lost their lives on Friday.

Today, I pray . . . but tomorrow, I vow to return to this Chamber and fight every day so that no other community has to deal with this gun madness.

May God bless the victims, their families and the people of Newtown, Connecticut.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise to join my colleagues in honoring and remembering all of the victims of the tragic shootings at the Sandy Hook Elementary School in Newton, CT. My condolences and prayers go to the families and loved ones of the women and children who lost their lives in this senseless tragedy.

I also recognize and applaud the heroic efforts made by the teachers, administrators, and law enforcement officials who acted quickly to secure and protect the lives of the children who survived this deadly encounter.

As the founder and Co-Chair of the Congressional Children's Caucus and a senior Member of the Judiciary Committee, I have listened to the tragic testimony of individuals who have survived or lost loved ones as a result of gun violence.

The parents and grandparents who dropped off their children and grandchildren in the early morning hours of December 14, 2012, could never have imagined that by 10 a.m. on that morning they would to have face this tragedy.

This moment will be etched in our memories and will forever remind us of other moments like those of Aurora and Columbine. Moments when lives are needlessly lost due to gun violence.

As we unite in grief, it is time for us to unite in finding a solution. Newtown, CT by all accounts is a small close-knit town. Everyone in Newtown was in some way connected to the students, parents, teachers, and administrators from Sandy Hook Elementary School. And if asked, they would all agree that things like this sad occurrence just do not happen in Newtown.

We must join together in recognizing that things like this can happen in any community and we must immediately begin to address the underlying problems that would lead a young man to take up arms against defenseless women and children.

If we act now and work together, we can work towards preventing these types of tragedies. At around the same time that the children in Newtown, CT faced a deranged gun man, thousands of miles away in China, another man also attacked a group of school children. Again, a tragedy that no one in the community could have anticipated; however, because the man in China was armed only with a knife, he wounded instead of killed 20 children. The lives of 20 children in China were spared because their attacker did not have in his possession a gun.

I believe the solution to these acts of violence can be found by taking a multifaceted approach. There are those who will say that ''guns don't kill people, people kill people.'' The statistics for the harm that people are capable of doing with guns to themselves and others is alarming. People are indeed killing people, with guns. We need to reform how we view guns in this country and also how we address mental health challenges in our communities.

We must act now. This is the right moment to demonstrate that the safety of our children is one of our most sacred priorities. It is imperative that this Congress brings to the House for immediate consideration the following gun safety laws.

First, there must be an immediate ban on all assault weapons.

Second, we must close gun show loopholes which allow for the sale of weapons without a background check.

Third, we must reform our current mental health system to provide support for families to enable them to get immediate assistance for mental health issues. In addition, there should be pathways for families who are facing these challenges to gain emergency access to publicly funded or private counseling services.

Fourth, we must look at the design of primary and secondary schools in which these schools may need to have reinforced bullet proof window and reinforced secure entrances.

Lastly, we must expand current state laws to hold adults accountable and responsible for the security their weapons. We can help to prevent tragedies like this one from happening again.

According to the U.S. Centers for Disease Control and Prevention, gun violence, claims the lives of over 30,000 people For every person who dies from a gunshot wound, two others are wounded. Every year, approximately 100,000 Americans are victims of gun violence.

In addition to those who are killed or injured, there are countless others whose lives are forever changed by the deaths of and injuries to their loved ones.

In 2010, guns took the lives of 31,076 Americans in homicides, suicides and unintentional shootings. This is the equivalent of more than 85 deaths each day and more than three deaths each hour.

There were 73,505 Americans treated in hospital emergency departments for non-fatal gunshot wounds in 2010.

Firearms were the third-leading cause of injury-related deaths nationwide in 2010, following poisoning and motor vehicle accidents.

Between 1955 and 1975, the Vietnam War killed over 58,000 American soldiers—less than the number of civilians killed with guns in the U.S. in an average two-year period.

In the first seven years of the U.S.-Iraq War, over 4,400 American soldiers were killed. Almost as many civilians are killed with guns here in the U.S. over the course of 7 weeks rather than 7 years.

HOMICIDE

U.S. homicide rates are 6.9 times higher than rates in 22 other populous high-income countries combined, despite similar non-lethal crime and violence rates. The firearm homicide rate in the U.S. is 19.5 times higher Guns were used in 11,078 homicides in the U.S. in 2010, comprising almost 35% of all gun deaths, and over 68% of all homicides.

Over a million people have been killed with guns in the United States since 1968, when Dr. Martin Luther King, Jr. and Robert F. Kennedy were assassinated.

On average, 33 gun homicides were committed each day for the years 2005–2010.

Regions and states with higher rates of gun ownership have significantly higher rates of homicide than states with lower rates of gun ownership.

Where guns are prevalent, there are significantly more homicides, particularly gun homicides.

SUICIDE

Firearms were used in 19,392 suicides in the U.S. in 2010, constituting almost 62% of all gun deaths.

Over 50% of all suicides are committed with a firearm.

On average, 49 gun suicides were committed each day for the years 2005–2010.

White males, about 40% of the U.S. population, accounted for over 80% of firearm suicides in 2010.

A study of California handgun purchasers found that in the first year after the purchase of a handgun, suicide was the leading cause of death among the purchasers.

Firearms were used in nearly 44% of suicide deaths among persons under age 25 in 2010.

More than 75% of guns used in suicide attempts and unintentional injuries of 0–19 year-olds were stored in the residence of the victim, a relative, or a friend.

The risk of suicide increases in homes where guns are kept loaded and/or unlocked.

UNINTENTIONAL DEATHS AND INJURIES

In 2010, unintentional firearm injuries caused the deaths of 606 people.

From 2005–2010, almost 3,800 people in the U.S. died from unintentional shootings.

Over 1,300 victims of unintentional shootings for the period 2005–2010 were under 25 years of age.

People of all age groups are significantly more likely to die from unintentional firearm injuries when they live in states with more guns, relative to states with fewer guns. On average, states with the highest gun levels had nine times the rate of unintentional firearms deaths compared to states with the lowest gun levels.

A federal government study of unintentional shootings found that 8% of such shooting deaths resulted from shots fired by children under the age of six.

The U.S. General Accounting Office has estimated that 31% of unintentional deaths caused by firearms might be prevented by the addition of two devices: a child-proof safety lock (8%) and a loading indicator (23%).

For years, I have introduced and reintroduced gun safety legislation and supported the efforts of my colleagues who have also worked diligently to protect the lives of our nation's children through adequate gun safety.

I re-introduced H.R. 277 the Child Gun Safety And Gun Access Prevention Act of 2011. This legislation would prevent anyone under the age of 21 from being eligible to own a handgun and would prohibit youth from possessing semiautomatic assault weapons.

Under this legislation parents and supervising adults will be held accountable if a juvenile is able to gain possession of dangerous firearms that are located in their household.

The statistics are clear, firearms in a household must be properly and adequately stored.

A gun in the home is 22 times more likely to be used in a completed or attempted suicide (11x), criminal assault or homicide (7x), or unintentional shooting death or injury (4x) than to be used in a self-defense shooting.

Higher household gun ownership correlates with higher rates of homicides, suicides, and unintentional shootings.

Keeping a firearm in the home increases the risk of suicide by a factor of 3 to 5 and increases the risk of suicide with a firearm by a factor of 17.

Keeping a firearm in the home increases the risk of homicide by a factor of 3.

A 2009 study found that people in possession of a gun are 4.5 times more likely to be shot in an assault.

My legislation also requires a parent to accompany a minor when attending a gun show.

Our focus should also be on the owners of guns. Parents need to keep guns and ammunition out of the reach of teenagers. Parents should be responsible for securing from their minor children access to dangerous firearms.

Further, my bill is a preventative measure, my legislation encourages school districts to proved or participate in firearm safety programs.

It also addresses the underlying concerns related to violence and suicide. It amends the Public Health Service Act to direct the Secretary of Health and Human Services to support programs to promote mental health services among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This is a multifaceted approach to address this multifaceted issue.

As in years past, I once again will join Senator DIANNE FEINSTEIN in advocating for additional gun safety laws. I support Senator FEINSTEIN's bill which she intends to introduce once again in the 113th Congress to ban the sale of automatic assault weapons and ban the sale of big clips, drums or strips of more than 10 bullets. I appreciate Senator FEINSTEIN's leaderships and will continue to join her in advocating to pass this legislation in the 113th Congress.

Mr. Speaker, it is our responsibility to do all that we can do to reverse this level of gun violence. We must pass common sense gun safety.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

## MOURNING THE PASSING OF SENATOR INOUYE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Our country joins the people of Newtown in their grief and loss.

Tonight, we also mourn the sudden passing of our friend and patriot, Senator INOUYE of Hawaii. Senator INOUYE loved his family. Our thoughts and prayers are with Irene, Ken, Jessica, and little Maggie. Our sympathies also to his hardworking staff.

Senator INOUYE loved Hawaii, and his work on behalf of Hawaii is legendary. There is no one person who did more to ensure Hawaii's future than Senator INOUYE. He loved his country and received the Medal of Honor in her service.

Senator INOUYE never forgot where he came from. And I'm proud to say that I represented his dear mother, Kame Inouye, in 1980 when I first ran for the State legislature. I'm proud to count Senator INOUYE as my friend since that time. We can best honor Senator INOUYE's legacy by continuing to be strong for Hawaii and our country.

□ 2040

## EXTENDING SYMPATHY TO THE PEOPLE OF NEWTOWN, CONNECTICUT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I would like to rise in support of my dear colleagues from Connecticut and throughout our Nation in extending deepest sympathy and affection to the people of Newtown, Connecticut, as they bear the pain of human loss in the recent Sandy Hook Elementary School tragedy. Despite the heavy burden of grief they are carrying, the citizens of Newtown have truly inspired our entire Nation. Their spirit has lifted ours as they pay tribute to their children and the heroic teachers and school personnel who so nobly acted to save lives. Surely their extraordinary grace under pressure exemplifies what President John Kennedy defined as courage.

Mr. Speaker, I am including in the RECORD the remarks of Liza Long in an article she published about her son, Michael. We must listen to her. And we must listen to the people of Newtown in memory of each of the precious spirits that have graced it, for their highest aspirations, for an America where this never happens again.

In aiding us in this journey of faith, this article poignantly describes the condition of so many children in our country who are hurting and ill with unquiet minds that even medical science cannot fully explain. I commend President Obama for proposing a special commission to listen to mothers like Liza and to the people of Newtown as we shape a better future for us all.

Mr. Speaker, I also wish to commend the new Senator-elect from Hawaii for her very poignant tribute of Senator DANIEL INOUYE with whom we had the privilege of serving these many years.

[From The Blue Review, Dec. 16, 2012]

"I AM ADAM LANZA'S MOTHER": A MOM'S PERSPECTIVE ON THE MENTAL ILLNESS CONVERSATION IN AMERICA

[By Liza Long]

Friday's horrific national tragedy—the murder of 20 children and six adults at Sandy Hook Elementary School in Newtown, Connecticut—has ignited a new discussion on violence in America. In kitchens and coffee shops across the country, we tearfully debate the many faces of violence in America: gun culture, media violence, lack of mental health services, overt and covert wars abroad, religion, politics and the way we raise our children. Liza Long, a writer based in Boise, says it's easy to talk about guns. But it's time to talk about mental illness.

While every family's story of mental illness is different, and we may never know the whole of the Lanza's story, tales like this one need to be heard—and families who live them deserve our help.

Three days before 20 year-old Adam Lanza killed his mother, then opened fire on a classroom full of Connecticut kindergartners, my 13-year old son Michael (name changed) missed his bus because he was wearing the wrong color pants

"I can wear these pants," he said, his tone increasingly belligerent, the black-hole pupils of his eyes swallowing the blue irises.

''They are navy blue,'' I told him. ''Your school's dress code says black or khaki pants only.''

''They told me I could wear these,'' he insisted. ''You're a stupid bitch. I can wear whatever pants I want to. This is America. I have rights!''

''You can't wear whatever pants you want to,'' I said, my tone affable, reasonable. ''And you definitely cannot call me a stupid bitch. You're grounded from electronics for the rest of the day. Now get in the car, and I will take you to school.''

I live with a son who is mentally ill. I love my son. But he terrifies me.

A few weeks ago, Michael pulled a knife and threatened to kill me and then himself after I asked him to return his overdue library books. His 7 and 9 year old siblings knew the safety plan—they ran to the car and locked the doors before I even asked them to. I managed to get the knife from Michael, then methodically collected all the sharp objects in the house into a single Tupperware container that now travels with me. Through it all, he continued to scream insults at me and threaten to kill or hurt me.

That conflict ended with three burly police officers and a paramedic wrestling my son onto a gurney for an expensive ambulance ride to the local emergency room. The mental hospital didn't have any beds that day, and Michael calmed down nicely in the ER, so they sent us home with a prescription for Zyprexa and a follow-up visit with a local pediatric psychiatrist.

We still don't know what's wrong with Michael. Autism spectrum, ADHD, Oppositional Defiant or Intermittent Explosive Disorder have all been tossed around at various meetings with probation officers and social workers and counselors and teachers and school administrators. He's been on a slew of antipsychotic and mood altering pharmaceuticals, a Russian novel of behavioral plans. Nothing seems to work.

At the start of seventh grade, Michael was accepted to an accelerated program for highly gifted math and science students. His IQ is off the charts. When he's in a good mood, he will gladly bend your ear on subjects ranging from Greek mythology to the differences between Einsteinian and Newtonian physics to Doctor Who. He's in a good mood most of the time. But when he's not, watch out. And it's impossible to predict what will set him off.

Several weeks into his new junior high school, Michael began exhibiting increasingly odd and threatening behaviors at school. We decided to transfer him to the district's most restrictive behavioral program, a contained school environment where children who can't function in normal classrooms can access their right to free public babysitting from 7:30–1:50 Monday through Friday until they turn 18.

The morning of the pants incident, Michael continued to argue with me on the drive. He would occasionally apologize and seem remorseful. Right before we turned into his school parking lot, he said, ''Look, Mom, I'm really sorry. Can I have video games back today?''

''No way,'' I told him. ''You cannot act the way you acted this morning and think you can get your electronic privileges back that quickly.''

His face turned cold, and his eyes were full of calculated rage. ''Then I'm going to kill myself,'' he said. ''I'm going to jump out of this car right now and kill myself.''

That was it. After the knife incident, I told him that if he ever said those words again, I would take him straight to the mental hospital, no ifs, ands, or buts. I did not respond, except to pull the car into the opposite lane, turning left instead of right.

''Where are you taking me?'' he said, suddenly worried. ''Where are we going?''

''You know where we are going,'' I replied.

''No! You can't do that to me! You're sending me to hell! You're sending me straight to hell!''

I pulled up in front of the hospital, frantically waiving for one of the clinicians who happened to be standing outside. ''Call the police,'' I said. ''Hurry.''

Michael was in a full-blown fit by then, screaming and hitting. I hugged him close so he couldn't escape from the car. He bit me several times and repeatedly jabbed his elbows into my rib cage. I'm still stronger than he is, but I won't be for much longer.

The police came quickly and carried my son screaming and kicking into the bowels of the hospital. I started to shake, and tears filled my eyes as I filled out the paperwork—''Were there any difficulties with... at what age did your child.., were there any problems with.. has your child ever experienced.. does your child have...''

At least we have health insurance now. I recently accepted a position with a local college, giving up my freelance career because when you have a kid like this, you need benefits. You'll do anything for benefits. No individual insurance plan will cover this kind of thing.

For days, my son insisted that I was lying—that I made the whole thing up so that I could get rid of him. The first day, when I called to check up on him, he said, ''I hate you. And I'm going to get my revenge as soon as I get out of here.''

By day three, he was my calm, sweet boy again, all apologies and promises to get better. I've heard those promises for years. I don't believe them anymore.

On the intake form, under the question, ''What are your expectations for treatment?'' I wrote, ''I need help.''

And I do. This problem is too big for me to handle on my own. Sometimes there are no good options. So you just pray for grace and trust that in hindsight, it will all make sense.

I am sharing this story because I am Adam Lanza's mother. I am Dylan Klebold's and Eric Harris's mother. I am James Holmes's mother. I am Jared Loughner's mother. I am Seung-Hui Cho's mother. And these boys—and their mothers—need help. In the wake of another horrific national tragedy, it's easy to talk about guns. But it's time to talk about mental illness.

According to Mother Jones, since 1982, 61 mass murders involving firearms have occurred throughout the country. Of these, 43 of the killers were white males, and only one was a woman. Mother Jones focused on whether the killers obtained their guns legally (most did). But this highly visible sign of mental illness should lead us to consider how many people in the U.S. live in fear, like I do.

When I asked my son's social worker about my options, he said that the only thing I could do was to get Michael charged with a crime. ''If he's back in the system, they'll create a paper trail,'' he said. ''That's the only way you're ever going to get anything done. No one will pay attention to you unless you've got charges.''

I don't believe my son belongs in jail. The chaotic environment exacerbates Michael's sensitivity to sensory stimuli and doesn't deal with the underlying pathology. But it seems like the United States is using prison as the solution of choice for mentally ill people. According to Human Rights Watch, the number of mentally ill inmates in U.S. prisons quadrupled from 2000 to 2006, and it continues to rise—in fact, the rate of inmate mental illness is five times greater (56 percent) than in the non-incarcerated population.

With state-run treatment centers and hospitals shuttered, prison is now the last resort for the mentally ill—Rikers Island, the LA County Jail and Cook County Jail in Illinois housed the nation's largest treatment centers in 2011.

No one wants to send a 13-year old genius who loves Harry Potter and his snuggle animal collection to jail. But our society, with its stigma on mental illness and its broken healthcare system, does not provide us with other options. Then another tortured soul shoots up a fast food restaurant. A mall. A kindergarten classroom. And we wring our hands and say, ''Something must be done.''

I agree that something must be done. It's time for a meaningful, nation-wide conversation about mental health. That's the only way our nation can ever truly heal.

God help me. God help Michael. God help us all.

## SENATOR DANIEL INOUYE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I join my colleague in speaking about how sad we are in the passing of Senator DANIEL INOUYE. His passing marks the end of an era but the beginning of a great future built on the legacy he brought to the Congress.

For the people of Hawaii and the country, he was a public servant from start to finish. He was a war hero, earning a Medal of Honor for his actions on the battlefields of World War II before his State was even admitted to the Union. And imagine, of Japanese American heritage; at a time when Japanese Americans were in camps, he was fighting for the freedom that they were not enjoying. He is a true patriot.

He was Hawaii's first Representative in the House, a source of great pride for all Members past and present that we could call him colleague.

Senator INOUYE was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home State.

Senator INOUYE led a life of principle, passion, service, and sacrifice. He was the highest ranking Asian American in our country, and he was for a long time. His story—as an Asian American who lived the American Dream, a soldier who served with bravery and courage, an elected Representative who served with dignity—reflects the best of America. We only hope it is a comfort to his wife, Irene; his son, Ken, and the entire Inouye family; and his many, many friends that so many share in their grief at this sad time.

I want to praise him personally but also bring words of comfort to his family from my constituents in California who considered him a very, very special leader in our country.

### PELOSI STATEMENT ON THE PASSING OF SENATOR DANIEL INOUYE

WASHINGTON, D.C.—Democratic Leader Nancy Pelosi released the following statement tonight on the passing of longtime Hawaii Senator and the Senate's President Pro-Tempore Daniel Inouye:

''Senator Daniel Inouye's passing marks the end of an era—for the people of Hawaii, the country, and the United States Senate. He was a public servant from start to finish. He was a war hero—earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the union. He was Hawaii's first Representative in the House, a source of great pride to all Members, past and present.

''Senator Inouye was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home state. He was the second-longest serving Senator in American history, and his fellow Americans will long remember his leadership in protecting our men and women in uniform, strengthening our national security, reaching across the aisle, and investing in a future of prosperity for all. By his actions, he stood firm for the independence of the Congress, the strength of our democracy, and the values of the American people.

''Senator Inouye led a life of principle, passion, service, and sacrifice. He was the highest ranking Asian American in our country. His story—as an Asian American who lived the American Dream, a soldier who served with bravery and courage, an elected representative who served with dignity—reflects the best of America. We only hope it is a comfort to his wife Irene, his son Ken, and the entire Inouye family that so many share in their grief at this sad time.''

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for today on account of flight cancellation.

Mr. JONES (at the request of Mr. CANTOR) for today on account of official business.

Mr. TERRY (at the request of Mr. CANTOR) for today on account of travel delays.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. HOLT (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. MOORE (at the request of Ms. PELOSI) for today on account of district business.

Mr. REYES (at the request of Ms. PELOSI) for today and for the balance of the week on account of family medical reasons.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2045. An act to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; to the Committee on Veterans' Affairs.

S. 3313. An act to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; to the Committee on Veterans' Affairs.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Education and the Workforce.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontehartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes; to the Committee on Transportation and Infrastructure. In addition to the Committee on Natural Resources; and to the Committee on the Judiciary for a period to be subsequently determined by a Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 12, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 3187. To require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

H.R. 6582. To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

Karen L. Haas, Clerk of the House, reported that on December 13, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 4014. To amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 3319. To allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4367. To amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

H.R. 2467. Bridgeport Indian Colony Land Trust, Health and Economic Development Act of 2012.

Karen L. Haas, Clerk of the House, reported that on December 14, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 2838. To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

## ADJOURNMENT

Ms. PELOSI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 18, 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:

8787. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act in the Department of Veterans Affairs Construciton, Minor Projects, Treasury Symbol 36X0111, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8788. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Purl K. Keen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8789. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Supervisory and Company-Run Stress Test Requirements for Covered Companies [Regulation YY; Docket No.: 1438] (RIN: 7100–AD–86) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8790. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Annual Company-Run Stress Test Requirements for Banking Organizations with Total Consolidated Assets over $10 Billion Other than Covered Companies [Regulation YY; Docket No.: 1438] (RIN:7100–AD–86) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8791. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Fair Lending Report; to the Committee on Financial Services.

8792. A letter from the Chairman and President, Export-Import Bank, transmitting a

report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8793. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Dates for Certain Requirements of Rule 19b–4(n)(1) and Rule 19b–4(o)(2) and Amendment of Form 19b–4 [Release No.: 34–68357; File No. S7–44–10] (RIN: 3235–AK87) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8794. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material: Technical Amendments (RIN: 1992–AA36) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8795. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''The Children's Health Insurance Program Reauthorization Act (CHIPRA) Mandated Evaluation of Express Lane Eligibility: First Year Findings''; to the Committee on Energy and Commerce.

8796. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA–1999–F–1267] (formerly Docket No.: 1999F–5322] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8797. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA–1999–F–4617] (formerly Docket No.: 1999F–5321] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8798. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Proposed Modification of Dispensing Restrictions for Buprenorphine and Buprenorphine Combination as Used in Approved Treatment Medications (RIN: 0930–AA14) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8799. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology; Revisions to the 2014 Edition Electronic Health Record Certification Criteria; and Medicare and Medicaid Programs; Revisions to the Electronic Health Record Incentive Program [CMS–0046–IFC] (RIN: 0991–AB89) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8800. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance for Performing the Integrated Assessment for External Flooding [JLD–ISG–2012–05] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8801. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12–68, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8802. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12–69, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8803. A letter from the Acting Secretary of Commerce, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

8804. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Editorial Corrections to the Commerce Control List of the Export Administration Regulations [Docket No.: 120320200–2296–01] (RIN: 0694–AF62) received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8805. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107–243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102–1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 24, 2012 — October 22, 2012 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105–338); to the Committee on Foreign Affairs.

8806. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, April 1, 2012 — September 30, 2012; to the Committee on Oversight and Government Reform.

8807. A letter from the Secretary, Department of Education, transmitting the forty-seventh Semiannual Report to Congress on Audit Follow-up, covering the six month period ending September 30, 2012 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

8808. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period April, 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8809. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8810. A letter from the Chief Operating Officer/Acting Executive Director, Election Assistance Commission, transmitting Semiannual Report of the Inspector General for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8811. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8812. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1 through September 30, 2012; to the Committee on Oversight and Government Reform.

8813. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Free Trade Agreement-Panama [FAC 2005–62; FAR Case 2012–027; Item III; Docket 2012–0027, Sequence 01] (RIN: 9000–ZA02) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8814. A letter from the Acting Deputy Chief Financial Officer, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8815. A letter from the Board, Railroad Retirement Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2012, incuding the Office of Inspector General's Auditor's Report; to the Committee on Oversight and Government Reform.

8816. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report for fiscal year 2012 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108–199; to the Committee on Oversight and Government Reform.

8817. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Yellowstone National Park [NPS–YELL–11802; PPWONRADE2, PMP00EI05.YP0000] (RIN: 1024–AE10) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8818. A letter from the Acting Director, Office of Regulatory Affairs and Collaborative Action, Department of the Interior, transmitting the Department's final rule — Residential, Business, and Wind and Solar Resource Leases on Indian Land [Docket ID: BIA–2011–0001] (RIN: 1076–AE73) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8819. 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; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska Management Area [Docket No.: 111207737–2141–02] (RIN: 0648–XC346) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8820. 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 Western Regulatory Area of the Gulf of Alaska Management Area [Docket No.: 111207737–2141–02] (RIN: 0648–XC333) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA–2012–0424; Directorate Identifier 2011–NM–004–AD; Amendment 39–17205; AD 2012–19–10] (RIN: 2120–AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8822. A letter from the Director for Internal Control and Management Systems, National Aeronautics and Space Administration, transmitting the Administration's final rule — Removal of Obsolete Regulation [Docket Number: NASA–2012–0004] (RIN: 2700–

AD78) received December 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8823. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Contracts and Provider Agreements for State Home Nursing Home Care (RIN: 2900–AO57) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8824. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Technical Revisions to Part 53 — State Veterans Homes (RIN: 2900–AO54) received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8825. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Addition of Bozeman Yellowstone International Airport, Belgrade, Montana [CBP Dec. 12–20] received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes (Rept. 112–702). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 3548. A bill to facilitate United States access to North American oil resources, and for other purposes; with an amendment (Rept. 112–703, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

*[The following actions occurred on December 14, 2012]*

Pursuant to clause 2 of rule XIII, Committee on Agriculture discharged from further consideration. H.R. 3283 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, Committee on Veterans' Affairs discharged from further consideration. H.R. 4297 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

*[Submitted on December 17, 2012]*

Pursuant to clause 2 of rule XIII, Committees on Transportation and Infrastructure and Natural Resources discharged from further consideration. H.R. 3548 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

*[The following action occurred on December 14, 2012]*

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than December 21, 2012.

## 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. GOODLATTE (for himself, Mr. SENSENBRENNER, Mr. COBLE, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Ms. CHU, Mr. ISSA, Mr. PITTS, Ms. ESHOO, Mr. PETERS, and Mr. LANCE):

H.R. 6671. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. WAXMAN, Mr. PALLONE, Ms. ESHOO, Mr. BURGESS, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. PITTS, and Mr. UPTON):

H.R. 6672. A bill to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, 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. ISRAEL:

H.R. 6673. A bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, 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. PETRI:

H.R. 6674. A bill to simplify and improve the Federal student loan program through income-contingent repayment to provide stronger protections for borrowers, encourage responsible borrowing, and save money for taxpayers; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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 Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. ENGEL, Mr. ROYCE, Mr. BURTON of Indiana, Mr. TURNER of New York, Mr. FALEOMAVAEGA, Mr. CONNOLLY of Virginia, Mr. CHABOT, Mr. JOHNSON of Ohio, and Mr. SMITH of New Jersey):

H. Con. Res. 145. Concurrent resolution calling for universal condemnation of the North Korean missile launch of December 12, 2012; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES):

H. Res. 833. A resolution condemning the horrific attacks in Newtown, Connecticut and expressing support and prayers for all those impacted by this tragedy; to the Committee on Education and the Workforce. considered and agreed to.

By Mr. KELLY (for himself and Mr. DEUTCH):

H. Res. 834. A resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas; to the Committee on Foreign Affairs.

## 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. GOODLATTE:

H.R. 6671.

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

Article I, Section 8

By Mr. ROGERS of Michigan:

H.R. 6672.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ISRAEL:

H.R. 6673.

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

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. PETRI:

H.R. 6674.

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

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

## ADDITIONAL SPONSORS

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

H.R. 303: Mr. CARTER.

H.R. 591: Ms. MOORE, Mr. BISHOP of New York, Mr. GRIJALVA, and Mr. HIMES.

H.R. 773: Mr. WELCH.

H.R. 860: Mr. BURTON of Indiana.

H.R. 905: Mr. DAVID SCOTT of Georgia.

H.R. 998: Mr. COSTA.

H.R. 1506: Mr. LEVIN.

H.R. 1642: Mr. GRIJALVA.

H.R. 1781: Mr. BISHOP of New York and Mr. COURTNEY.

H.R. 1831: Mr. AMASH.

H.R. 2376: Ms. BONAMICI.

H.R. 2721: Mr. LARSON of Connecticut.

H.R. 3027: Ms. SCHWARTZ.

H.R. 3130: Mr. CONAWAY.

H.R. 3658: Mr. HANNA, Ms. DELAURO, Mr. CROWLEY, Ms. WATERS, and Mr. WELCH.

H.R. 4277: Ms. EDWARDS and Mr. CURSON of Michigan.

H.R. 4373: Ms. CHU and Mr. FORTENBERRY.

H.R. 6027: Ms. SCHWARTZ.

H.R. 6241: Ms. MCCOLLUM.

H.R. 6388: Mr. HOLT.

H.R. 6428: Mr. ELLISON.

H.R. 6448: Mr. POLIS.

H.R. 6470: Mr. DEFAZIO.

H.R. 6606: Ms. SCHAKOWSKY.

H. Con. Res. 144: Mr. LATTA, Mr. HERGER, and Mrs. BACHMANN.

H. Res. 220: Mr. PERLMUTTER.

H. Res. 832: Mr. PETERS.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, MONDAY, DECEMBER 17, 2012 No. 162

# 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 and everlasting God, in whom we live and move and have our being, as we grieve the loss of life in the Newtown, CT, shooting, show us Your way and teach us Your path. Make us all responsible stewards of Your most precious gift of time by teaching us to number our days that we may have hearts of wisdom.

May the incomprehensible destruction of lives still framed by springtime remind us of the importance of not delaying in seizing our opportunities to do good. Make our lawmakers willing to act promptly, remembering that time is fleeting and that they shall not pass this way again.

Bless those who mourn, eternal God, with the comfort of Your love that they may face each new day with hope and with the certainty that nothing can destroy the good that has been given them. May their memories become less painful as You encircle their lives with Your love.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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 17, 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.

## MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate observe a moment of silence for the tragedy.

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

(Moment of silence)

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 3 p.m. today.

Following morning business, we will begin consideration of H.R. 1, the legislative vehicle for the supplemental appropriations bill. That bill will be managed by Senator PAT LEAHY.

At 5 p.m. the Senate will proceed to executive session to consider the Olguin and Durkin nominations, both to be U.S. district judges of Illinois and California, respectively.

At 5:30 p.m., the Senate will vote on confirmation of the nominations. It is expected there will be a rollcall vote on the confirmation of the Durkin nomination and a voice vote on the confirmation of the Olguin nomination.

## NEWTOWN, CONNECTICUT TRAGEDY

Mr. REID. Mr. President, this afternoon the families of Newtown, CT, are burying two 6-year-old boys—Noah Pozner and Jack Pinto. Noah turned 6 last month. Even though he was only 6, Jack was a New York Giants fan.

In the days to come, many of their classmates will also be laid to rest—the victims of a tragedy too terrible to comprehend. Twenty little girls and boys, twenty tiny daughters and sons, sisters and brothers, friends and playmates, twenty children who will never grow up to learn to drive, go on a first date or graduate from high school, twenty 6- and 7-year-olds who will never have the chance to fall in love, get married or have children of their own: Noah and Jack, Charlotte, Daniel, Olivia, Josephine, Ana, Dylan, Madeline, Catherine, Chase, Avielle, Jesse, Grace, Emilie, Caroline, Jessica, Benjamin, Allison, and James.

No words of condolence could possibly ease the pain of families who lost cherished little children, but I hope it is some small comfort that the entire Nation mourns with them. My heart and warm wishes go out to all those affected by Friday's massacre. My thoughts are with the students and faculty of Sandy Hook who witnessed such unspeakable violence.

Newtown and the Nation have seen great evil. We have also seen incredible bravery.

In her final act on Earth, 27-year-old Victoria Soto hid the children of her first grade class in closets and cabinets and then sacrificed herself to save them.

Dawn Hochsprung, the principal, forcibly—as the word goes—attacked the assailant, and he killed her.

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



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Mary Sherlach, Lauren Rousseau, Rachel Davino, and Anne Marie Murphy also died trying to safeguard the children in their care.

These six educators devoted their lives to teaching Newtown's children how to read, how to add and subtract, and how to be good boys and girls. They gave their lives to keep these children safe. They are a source of hope in a hopeless situation.

I commend the teachers of Sandy Hook Elementary who didn't hesitate when they saw danger coming. Some barricaded their students inside classrooms or hid them in closets, preventing an even greater loss of life.

I thank the first responders who rushed into the school, despite the danger and horrors around them, knowing they had a job to do.

It is hard to comprehend this type of tragedy, let alone recover from it. But in the words of Helen Keller: ''Although the world is full of suffering, it is also full of the overcoming of it.''

As the families of Newtown mourn, all America mourns with them, and we will stand with them as they overcome this suffering and begin the healing process.

Part of the healing process will require Congress to examine what can be done to prevent more tragedies such as the ones in Newtown, CT; Aurora, CO; Oak Creek, WI; and Portland, OR. These are fairly recent.

As President Obama said last night, no one law can erase evil. No policy can prevent a determined madman from committing a senseless act of violence. But we need to accept the reality that we are not doing enough to protect our citizens.

In the coming days and weeks, we will engage in a meaningful conversation and thoughtful debate about how to change laws and culture that allows this violence to continue to grow. We have no greater responsibility than keeping safe our most vulnerable and our most precious resource—our children. Every idea should be on the table as we discuss how best to do just that.

## HURRICANE SANDY

Mr. REID. Mr. President, today we have an opportunity to pull together to help the citizens of New York, New Jersey, and other parts of the Northeast as they recover from the damage of Hurricane Sandy.

As we did when Hurricane Katrina struck the gulf coast and Irene struck communities up and down the eastern seaboard, we have an opportunity to help make families and communities whole again. I hope my colleagues on both sides of the aisle will join me in moving quickly to send aid to those affected by Sandy as they continue to recover and rebuild.

The Senate must move swiftly to approve the supplemental disaster act and act to give the intelligence community the tools it needs to keep our Nation safe before the Christmas holiday. In short, before we leave for Christmas, we are going to have to finish our work on Sandy and FISA. They are both extremely important and they have to be completed. So everyone should understand we have that to do. We will see if anything changes, but it appears we are going to be coming back the day after Christmas to complete work on the fiscal cliff and a few other leftover items.

## RECOGNITION OF THE MINORITY LEADER

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

## NEWTOWN, CONNECTICUT TRAGEDY

Mr. McCONNELL. Mr. President, I wish to start by extending my deepest sympathies to the families of the victims of Friday's massacre and to the whole community and to thank the first responders and all those who are helping in the aftermath of this darkest of tragedies.

Three days after the horrors of Newtown, we are all still reeling from what happened. Anytime there is a shooting such as this, we are crushed with sorrow. But there is no escaping the fact that the massacre at Sandy Hook Elementary stands out for its awfulness. The murder of so many little children and the adults who tried to save them doesn't just break our hearts, it shatters them.

The last few days have been searing for all of us, and the days ahead will be too. Over the weekend, we began to see the faces of the children and to hear their stories.

One parent, Robbie Parker, stood in front of the cameras on Saturday and shared with the Nation an impromptu eulogy of his 6-year-old daughter Emilie. It was a remarkable moment. Emilie was bright and creative and very loving, he said, and we marveled at his courage. Now the funerals—10 of them this week in 1 church alone.

It has been said many times that no words are adequate to lift the agony of a parent such as Robbie Parker. What happened in Newtown on Friday is something for which no parent of a young child could ever prepare. But I think President Obama spoke for all of us in the very moving meditation he offered last night on the singularity of parental love.

There is literally nothing we wouldn't do for our kids and that is one of the things that makes this massacre so terrible and which makes the stories of courage we have heard so inspiring; the young teacher who stood between the gunman and her students and lost her life in the process; the principal and the school psychologist who sprang into action and gave their lives too. As the President said, these luminous acts of self-sacrificing love are the moments that will define this tragedy in the years ahead because the heroism and the courage we never fail to see in the midst of tragedies such as this become the starting points of something better and more lasting than the vagaries of this life. They give us the hope we need in the face of so much evil and sorrow.

We stand with the people of Newtown today and in the days ahead. We can do nothing to lessen their anguish, but we can let them know we mourn with them, that we share a tiny part of the burden in our own hearts, and that we will lift the victims and their families and the entire community in prayer.

The Scripture says that while ''now we only know in part, in the life to come we shall know, even as we are known.''

Scripture also says that in that day ''. . . every tear will be wiped away, because there will be no more death, or sorrow, or crying, or pain, for the former things will have passed away.''

May the people of Newtown and all Americans be consoled by this certain hope. May their burdens be lightened by the loving care of their neighbors and friends and even strangers in the days and weeks ahead. May this terrible tragedy prompt all of us to cherish the lives we have been given, our family members and friends and all who surround us in our daily tasks.

This is no lasting city, we know. May we pass through it with a little more gratitude and with a firmer determination to live the kind of lives we have been called to live.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. McCONNELL. 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.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

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

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

## NEWTOWN, CONNECTICUT TRAGEDY

Mr. MENENDEZ. Mr. President, I rise with a heavy heart at the senseless tragedy in Newtown, CT, that took place this Friday. We are all shaken

from that day, and we ask ourselves: Why? How could this happen in America? We grope for answers and I hope we will find them.

Today I join, first with every American, in expressing our deep and abiding grief as a Nation and our deepest, most heartfelt condolences to the families of the victims. I am the father of two. As a father of two, this strikes painfully close to my heart, and painfully close to the heart of every parent. There is no greater sorrow, no deeper pain than the enormous grief these families are suffering for those 20 innocent children, 6 teachers, and school employees and their families; and no parent—no parent—should ever have to bear the unspeakable pain of losing a child, especially to this type of tragedy.

All too often I have come to this floor having to say those same words—one tragedy after another, time and time again, having to stand here and say that our thoughts and prayers are with the victims of another tragedy involving gun violence, semiautomatic weapons, high-capacity clips, and the families of those victims who have lost loved ones to senseless, sick gun violence.

But this time we are talking about children—elementary schoolchildren—the youngest, most innocent among us taken away. Enough is enough.

Matthew 18 says:

> At that time the disciples came to Jesus, saying ''Who is the greatest in the Kingdom of Heaven?'' And calling to him a child, he put him in the midst of them and said, ''Truly, I say to you, unless you turn and become like the children, you will never enter the kingdom of heaven . . . ''

The children have entered the kingdom of heaven today. I hope we honor them and their memory in what we do now to end the violence. Let Newton finally be the turning point when we are all willing to come together and do what is right. As we pray for the victims, let us commit ourselves as a Nation to a long overdue debate about violence and guns and how we deal with those who suffer mental illnesses in our society, and let us finally pass commonsense gun laws. No more politics; no more excuses. We cannot allow this sort of senseless violence to continue. We need a national debate about the role of firearms in our society, we need to address mental health issues, and we need to act immediately.

This shooter had hundreds of rounds of ammunition—reportedly enough to kill everyone in the school—and had it not been for the brave first responders, there could have been even more tragic killings on Friday. These high-capacity clips must be outlawed. I don't believe there is any reason why a law-abiding citizen would need the capability to shoot multiple rounds like a street sweeper.

Words cannot express my sadness that another shooter used a weapon that has no legitimate purpose, from my perspective, in a civilized society, using high-capacity 30-round clips that defy any reasonable use. And there are even greater capacity clips than this.

I don't understand why the same type of weapon used by the DC sniper is still readily available, and I don't understand how we can see the same high-capacity clips used over and over by maniacal murderers during these strategies and not act.

After Tucson, Aurora, and now Newtown, we need to finally do something about these dangerous clips. We need to make sure nobody with a criminal record or mental illness can purchase a firearm, and that means we need a comprehensive, mandatory background check system. It is no use that my State of New Jersey has some of the toughest laws but then over a third of the guns that come into our State and commit an act are from outside our State.

I have cosponsored legislation to outlaw high-capacity clips, improve our background checks, and I have supported and helped pass the original assault weapons ban, and I will support an assault weapons ban this next year as I have in the past.

This doesn't need to be a political debate. This is about keeping little children safe in their first-grade classroom. I am for reasonable use of guns, but first and foremost I am for protecting our children, our teachers, our families. That is our No. 1 responsibility. If we can't do that, shame on us.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from New Jersey for his comments.

The Presiding Officer and I and others have discussed how we felt this weekend. I can't think of anything that has more emotionally roiled the Nation. There have been few such events in my lifetime. All of us feel the senseless killings last Friday in Newtown, CT, made no sense—just hit everybody. If we feel so deeply, we can't begin to imagine how the families must feel—the families, the parents of the children, the siblings or spouses of the adults killed. We pick up the paper, turn on the radio, listen to the television, and there is one more wrenching story after another.

In my family, and I know in families from coast to coast, parents called their children. Brothers called sisters. Neighbors reached out to neighbors. We huddled with two of our three children, soon to be with a third one in Vermont, hugged our grandchildren. Over the weekend and again today, in discussions in churches, synagogues, houses of worship, on the sidewalk, in the grocery line, at the worksite and in our offices, we have all struggled for words to describe our feelings of shock and our feelings of immeasurable sadness.

I think we can all agree no matter what our political background, no matter what part of the country we come from, that last night President Obama gave voice—our voice, 325 million Americans gave voice to let these stricken families know how deeply we wanted to help relieve their suffering as we share their grief. It was a time when the President can and should and did speak for the whole Nation.

But there are so many questions about this unspeakable tragedy that have yet to be answered. The President has pointed out it is unlikely any single step or package of steps or this move or that move can erase the chance of such a tragedy happening again. We know it could have even been worse if the brave first responders hadn't rushed into the school even though they knew they might be facing death themselves. We know that sometimes things are beyond our understanding. We know situations vary widely from State to State and community to community. But whether it is in the State of Connecticut or, God forbid, in the State of the Presiding Officer or my State, we all share the responsibility of searching for an answer not just for the people of Connecticut but for people throughout the United States, and some can honestly say the people throughout the world who look to the United States as a bastion of freedom, of democracy.

I think Congress can and should be part of this national discussion in the search for answers. We will come back into a new session in a few weeks. The Judiciary Committee will be holding a hearing very early in the next congressional session to help in the search for understanding and answers. I know all of us will take part in that no matter what our feelings might be.

There are other committees also that have different types of jurisdiction and will have to take part in this national discussion. It isn't a matter of just guns—which is a significant part of this, of course—it is the matter of mental illness; it is a matter of how we run our educational facilities. All of these things should be talked about. If there are practical and sensible and workable answers to prevent such unspeakable tragedy, we should make the effort to find them and then we should have the courage, each and every one of us, to vote for those steps.

Mr. President, I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 1, which the clerk will now report by title.

The legislative clerk read as follows:

> A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government

for the fiscal year ending September 30, 2011, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

AMENDMENT NO. 3338

(Purpose: In the nature of a substitute)

Mr. LEAHY. Mr. President, on behalf of Senator INOUYE, the chairman of the Senate Appropriations Committee, I have a substitute amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUYE, proposes an amendment numbered 3338.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3339 TO AMENDMENT NO. 3338

Mr. LEAHY. Mr. President, on behalf of the Senator from Hawaii, Mr. INOUYE, I have an amendment to the substitute, which is at the desk. I ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUYE, proposes an amendment numbered 3339 to amendment No. 3338.

The amendment is as follows:

(Purpose: To make a technical correction)

On Page 16, line 8, strike ''was'', and insert ''were'' in lieu thereof.

Mr. LEAHY. Mr. President, I am going to speak briefly in just a moment, but in the meantime I will suggest the absence of a quorum. I will call it off very quickly.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, on behalf of the distinguished chairman of the Senate Appropriations Committee, Senator INOUYE, I have introduced an emergency supplemental and disaster aid bill. This is to respond to the devastation wrought by Hurricane Sandy.

The eyes, ears, and hopes of tens of millions of our fellow Americans who were in this storm's path are now trained upon the U.S. Senate. And with us in this effort, as well, is the good will of the entire Nation.

I say that because in my almost 38 years here, I have been on this floor time and time again—different Presidents, sometimes in the majority, sometimes in the minority—where there has been devastation in different parts of this country, and in every single instance—every single instance—the Senate has come together to provide relief to those hit by hurricanes, tornadoes, fires, earthquakes, or anything else.

Superstorm Sandy was remarkable, and I use that in the broadest sense of the word. It hit the east coast 7 weeks ago. What it did is it swelled to become the largest Atlantic hurricane in history. It was hundreds of miles wide, much wider than my own State of Vermont. Its reach was greater than even that of Hurricane Katrina along the gulf coast.

Sandy claimed the lives of more than 120 of our fellow Americans. It destroyed more than 340,000 homes and 200,000 businesses. More than 8.5 million families were without power in 15 States and the District of Columbia.

The scale of the damage is almost hard to fathom. I remember seeing the damage caused by Irene last year, including the devastation from which my home State of Vermont is still recovering. Because of my involvement in that, I am acutely aware of the need for a rapid and unified response from Federal, State, and local authorities to meet the needs of so many of our fellow American citizens.

As of last week, the Homeland Security Subcommittee reports that the Federal Government has already provided over $2.7 billion in relief through FEMA, the Small Business Administration, the Department of Agriculture, the Department of Transportation, the Department of Health and Human Services, and other agencies. As of today, 12 States have active major disaster or emergency declarations as a result of Sandy, and there is no question it is going to cost billions to rebuild these devastated communities.

Anybody who has seen them knows they are devastated. It is a word that we sometimes use too easily but appropriate when you have a whole downtown, block after block, homes that people have lived in sometimes for generations—it was their parents' home or their grandparents' home—and now it is kindling wood.

The Obama administration has requested money for recovery and repairs—just as every administration in the past has, Republican and Democratic alike—they have requested $60.4 billion for recovery and repairs, and the amendment we consider today meets that request. But we have not simply rubberstamped the request. The Appropriations Committee, working with the Senators from all the States that have been hit so hard, has made numerous changes to ensure that the dollars put into this response are used as effectively and efficiently as can be.

As a member of the Appropriations Committee, I know the budget constraints we are facing, and the Appropriations Committee has done its best to allocate the funds in such a way that States will have the flexibility required to respond to the individual needs of their citizens, while at the same time reducing the possibility for waste, fraud, or abuse.

Senator LANDRIEU, who is on the floor, is the chair of the Homeland Security Subcommittee. Well, this is a Senator who is no stranger to tackling the incredible challenges of responding to and recovering from natural disasters of this scale. I know she is going to speak in a short while. We all know Louisiana is still rebuilding from the catastrophes of Hurricanes Katrina and Rita, and Senator LANDRIEU—both as an individual Senator and from her position as chair—has worked tirelessly ever since to help her State and others recovering from storms and other calamities. I know how hard she works because she stepped in to help Vermont when we were in a similar situation last year. It ia an example, I might say, of how even States that are not hurt help those that are. It has always been our tradition in the Senate. In this supplemental, she has worked to incorporate that experience into vital emergency funding for FEMA and other disaster relief programs.

Since the supplemental we reconsider today contains funding that will help millions of Americans recover from this terrible storm, I want to highlight a few specifics.

We include $10.8 billion in emergency relief for public transportation systems. This is not a rural area. It is not like rural Vermont. We understand that public transportation, especially in this area, is necessary for millions of Americans—millions—to function day by day. It is especially vital around New York City. The subway and bus systems in New York and New Jersey allow people to get to work and students to go to school. The resources in this supplemental will help pay for the repair and restoration of some of the most heavily used public transportation systems in the country. Just as importantly, it is going to help fund projects to help public transportation prepare for and resist future storms. Because as much as we like to think there will be no future storms, every one of us knows there will be future storms.

The supplemental recommends $812 million for the Small Business Administration. Every one of us knows small businesses are essential to the American economy. They are responsible for employing about half of all workers in America. So this amount will help fund the SBA's disaster loan program, helping small local businesses in recovering from physical damage to their storefront operations, as well as in recovering from economic losses suffered when they had to close their doors during Hurricane Sandy.

We have seen the devastation to iconic neighborhoods and places such as the Jersey shore or Staten Island or Long Island—neighborhoods that were destroyed by the storm or by the fires that followed. So many of the businesses destroyed in these communities are mom-and-pop operations—small businesses like the one my mother and father ran—and they simply cannot afford to reopen without Federal disaster assistance. They need the loans, but, more importantly, they need the loans

now—not 6 months from now. I point out especially, a number of these are shops that make their living during the summer beach season. They want to be able to open by Memorial Day. I can tell you, as one who has seen how long it takes to reopen after a disaster like this, Memorial Day is tomorrow for these people. They need the loans today.

We have recommended $500 million for the Administration for Children and Families Social Services Block Grant to be used primarily for childcare services, for reopening damaged childcare facilities, but also—and we have to understand how important this is—for mental health services for both children and adults who have gone through this disaster and probably have seen members of their family lose their lives.

Another $100 million will pay for repairs to Head Start facilities affected by Hurricane Sandy. These provide essential education and health services to low-income, prekindergarten children. And we all know that interruptions in programs such as these are detrimental to the development of the children but also the families they serve. So we cannot wait to rebuild these centers, and we cannot wait to provide essential health care services to those who have lost so much. If you have a health need, we cannot say: Well, we will get back to you in a few months. Your health need is today.

I have heard two arguments against moving to the emergency supplemental as quickly as possible. I have found them surprising. The first is that the cost of this bill should be offset with cuts to other programs. This is the same argument we heard last year when we needed emergency funding to respond to Hurricane Irene. Well, it made no sense a year ago. It makes no sense today. It will make no sense tomorrow. The suggestion that we should cut funding from base budgets of departments and agencies that are carrying out the essential functions of our government in order to pay for an unanticipated natural disaster—that is absurd. Mandating offsets means cutting funding from law enforcement to pay for replacing a vital roadway destroyed by Sandy. It means cutting funding for education through Head Start in order to provide clean drinking water to those who have been left with nothing in the wake of Sandy. The point is obvious: These are emergencies. That is why they are called emergencies. We do not do offsets to pay for emergencies.

I think of what Chairman INOUYE has said. He has said it so many times, whether with Republican or Democratic administrations: ''It has long been the tradition of the Congress to approve disaster assistance without need for offset.''

And then he continued:

> Others will likely come to the Senate floor to challenge that remark . . . However, in the case of disaster assistance, I challenge my colleagues to review all Appropriations bills for the past decade and find a single instance where the Committee paid for disasters by rescinding funds from other programs.

Then Chairman INOUYE concluded with the obvious:

> No one would find an example, because quite simply there aren't any.

Well, he is right. The President requested and the committee is recommending $60.4 billion to respond to this storm. The total budget authority for nondefense spending is about $500 billion a year. Using the logic that all emergency spending should be offset would cut the discretionary spending needs—if we see seven more disasters, well then I guess we eliminate every single agency, department, and program except the Pentagon. Come on. Is that what this country is about? Some may think that is a good idea—eliminate all government. We would not have any road to drive on to go state our beliefs. The rest of America disagrees.

I have also heard discussion of taking a downpayment approach to the supplemental—do a little and come back next year. Well, that sounds familiar. I remember hearing a lot of it last year. Talk to the person whose house has been destroyed. It is a week before the Christmas season. It is getting cold. Tell them that we Senators—it is true, we all live in comfortable homes. We work in a place that has not been touched—think you should wait and come back later next year.

I would defy any Member of this body to say that directly to one of the firefighters who saw their home destroyed or the senior citizen who saw their home destroyed or the person who has worked all their life to build up their business and saw it destroyed. No. They want to recover now, not when a Congress that has not been known to move very rapidly of late gets around to doing something for them.

After all, we are asking homeowners to rebuild, saying go back and provide their own place to live. We are asking businesses to reinvest so they can hire people who are out of work. They need the assurance that we are going to do our part. You cannot just say: Put your money up now, and maybe, just maybe when we start talking about all of these things that have no bearing on what you are facing, we might come through 6 months from now and we might not.

Come on. That is not how we want to encourage rebuilding. Homeowners and businesses in New York, New Jersey, Connecticut, Rhode Island, and elsewhere need to know that the funding will be there to complete the rebuilding of public infrastructure. Only the Federal Government has the resources to make this happen.

The President's request is comprehensive. And we know the needs to recover from Superstorm Sandy. Now, we stood up, Democrats and Republicans together, to respond to disasters in the past. We have to do the same now.

When Irene—then a tropical storm—hit Vermont last year, no one could have anticipated the devastation we saw: roads washed away, bridges collapsed, communities cut off because all entrances and exits for the community were destroyed, bridges that had been there from the time I was born—I remember them as a child, had always been there, were there when my parents were living there, were there when my grandparents were living there—gone in a matter of minutes. Vermonters know that when one of us is hurting, all of us are hurting. Vermont appreciated the assistance from other States near and far and from the Federal Government.

New Jersey, New York, and other States hit by this superstorm are now depending on us. So let's do what is right. There is no need for delay. Christmas is coming. Thousands of families have lost everything. Their hope, their future is in our hands. They need our help. They deserve our help. We are Americans. We come together to help. So let's do it.

I will speak further, but I see the distinguished senior Senator from New York. He and I have discussed this. He has seen more. As bad as Irene was in Vermont, the number of businesses and homes destroyed pales in comparison to what he has seen in his State and the neighboring States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to thank our chairman of the Judiciary Committee and ranking Democrat on the Appropriations Committee for his leadership, his caring, his concern, and his expertise. The people of New York are very grateful to the Senator from Vermont for his concern and caring. We thank him for that very much.

Today we begin debate on one of the most momentous proposals to effect New York's future that we have ever debated, a proposal equal in magnitude and importance to the debate about aid to New York after the horrible attacks on our city on 9/11. I must say the debate is off to a good start. Our colleagues on both sides of the aisle have shown tremendous concern. Leader REID has agreed to allow amendments so that those in this Chamber, particularly those on the other side, can make modifications. Leader MCCONNELL and the Republican minority have not insisted on a motion to proceed. So we are beginning this bill in very auspicious way, in a way that people think the Senate should work, not one side blocking amendments and not the other side blocking the bill. I hope it can lead to an equally auspicious result.

I rise today to discuss the greatest natural disaster in the history of my State and the importance of passing

the President's request—the President's full request for supplemental disaster aid.

As you know, Mr. President, Superstorm Sandy was a catastrophic shock to the coastline of the Northeastern United States. In the blink of an eye, the Atlantic Ocean turned from our greatest natural resource into a nightmarish monster, swallowing whole communities in its path. The beating heart for many parts of the Nation's economy, New York City, was paralyzed for days, and parts are paralyzed to this moment. Whole neighborhoods, from Long Bench, NY, to Long Beach Island, NJ, were ripped from their foundations and washed away. I saw whole communities where almost every house suffered severe damage, where the water came in, because of the geography, from the north and south and sometimes from the north, the south, and the west. I saw the devastation. It was incredible. You know that when God's hand strikes, those who are affected are usually severely hurt—a tornado, a forest fire, a flood, a hurricane.

What was incredible about this disaster was not the depth of it—we have always seen the depth of tragedies from natural disasters with our constituents—but it was the combination of the depth and the breadth. It was not just one small area in which a tornado, say, lighted down and then left; it was a huge swath of territory, all flooded by a perfect storm, a huge nor'easter that combined with a tropical storm, a full Moon, and a high tide.

Experts had said the East River, the Hudson River, Great South Bay would never rise—never—more than 11 feet above its previous record, and in place after place that record was exceeded, unfortunately, with terrible, tragic consequences to that occurrence.

The tragic storm was an unfortunate wake-up call for New York and the rest of the country that we need to do much more at the Federal level, the State level, and the local level to prepare, protect, and fortify our vulnerable infrastructure from future storm surge activity. Our region suffered, according to mainstream estimates, nearly $100 billion worth of damage. That is just the damage that has been measured up to now. We are going to see future damage that has not yet been uncovered, estimated, or even found.

Governors Cuomo and Christie requested about $80 billion of recovery and mitigation funds. President Obama called for approximately $60 billion. He scrubbed the proposals of our Governors. OMB was very careful. They spent about a week looking over the proposals and tried to narrow it down to the most essential and most immediate needs. Our delegation—Democrats and Republicans from the New York-New Jersey area—believes that $60 billion is a fair starting point.

The damage numbers are mind-blowing. Here are a few examples. This is from New York alone. New Jersey received almost as much damage as New York. Transportation: $7.3 billion. Our subway system, which is an amazing system—it brings 3½ million people on and off Manhattan every day—the subway and railroad system was devastated. Much of it was built over 100 years ago. There was no thought of such floods, and the system was unprotected. Housing: $9.6 billion. Mr. President, 305,000 homes, according to the Governor's estimate, have already applied for insurance in New York alone.

My good colleague from Louisiana is here. She has been invaluable in guiding us, helping us, and being at our side. She has been through this. She knows better than any other Member of this Chamber, I daresay, what this kind of disaster can do, but more importantly for us, she knows how to deal with these problems because she has been through it. She is recommending to us to keep the places where the Federal response worked and modify the responses in places where the Federal response did not. That has been invaluable. I take off my hat. I speak on behalf of all of us in the northeast area to the Senator, the chair of the Homeland Security Subcommittee of the Appropriations Committee.

Anyway, in Katrina about 270,000 homes received that type of damage, so we have many more homes damaged, gone, flooded.

This is a picture, by the way, of the 86th Street subway, way up in Manhattan, far away from the points of New York Harbor. But there was so much flooding—look at it. Remember, this water is saltwater. It corrodes every signal, every light. If it were freshwater, the damage from this storm would have been a lot less. There it is, 86th Street.

I mentioned that homes were destroyed. Here are two examples. This is a house on Staten Island. Whole communities like Midland Beach were totally upended. Water was 6, 7, 8, 10 feet high. It did not just go in 1 street but 10 streets, the powers of the ocean were such. Home after home looked like this. It is incredible. I have held these homeowners in my arms—children, women, grown men who were distraught about the future. Who can blame them?

Here is another. In some places, because the saltwater created fire in the electrical systems of the houses, whole communities were knocked out. In Breezy Point, 101 homes burned to the ground amidst the rain and the wind because the water systems—when the electricity failed, the firefighters could not pump, and the fires spread from house to house to house.

There is a shrine here. It is a statue of the Virgin Mary. It is the only thing left in this whole area. Now people come and place flowers and pray and meditate by that statue.

Incidentally, one of the homes that was destroyed was that of our Congress Member, Congressman TURNER of Brooklyn and Queens, Republican of Brooklyn and Queens, whose home was destroyed out in Breezy Point.

Utilities were $1.5 billion. Many of our utilities were outdated, no question. They had no way to communicate. But even if they weren't, because their power lines are above ground, not below, they suffered huge damage, as did people.

Four major hospitals are still closed—thousands of beds. They range from Long Beach Hospital, a hospital that serves a local community that is right on the waterfront, to NYU, New York University Hospital, which is one of the great research and teaching facilities in America. It alone lost over $1 billion of equipment.

They were told by the companies that make their machinery—the radio coaxial tomography, the MRIs—to put them in the basement because these machines have to be carefully calibrated given the sea level and the slight slant of the floor. They were all washed away, $1 billion of machinery, not to mention decades of research.

I visited—I think they call it the vivarium. It is where the animals are that they have done genetic experiments on. The white mice that they test for generation after generation were wiped out.

Government and schools were $2 billion. Government buildings were destroyed. I think we have over 40 schools in New York City that were destroyed, mostly by the water. Roads, bridges, you name it—the devastation is everywhere. It is wide, and it is deep.

So with this kind of devastation, even a large area such as New York cannot handle it on its own. Fortunately, we have had a wisdom here in this government for close to a century; that is, when nature strikes, when the hand of God comes down on Earth and creates the kind of damage that man can't comprehend, no locality can handle it on its own, then the Federal Government steps in, which means the country as a whole steps in. When there were hurricanes in Louisiana and Mississippi, the whole country stepped in. We said: We know this is too much for you to handle alone. When there were forest fires out west, the whole country stepped in, saying: We know you can't handle this kind of devastation on your own. When there was flooding in the Missouri and Mississippi valleys, the Federal Government came in.

We in New York—hundreds of millions—over the decades, probably billions of our tax dollars went to help these regions, and I never heard any complaints about it. We are one Nation. When one part of our Nation suffers, we all suffer, particularly in these days of an interrelated economy. New York buys billions of dollars of products from New Jersey and the rest of the country, and so people did it.

Now, of course, the devastation has hit us, and we know our colleagues will stand by us as we have stood by them. We know they will give a careful look

to our proposal, but they will not deliberately put barriers in the way because they don't want to treat New York differently. They don't want to treat New Jersey differently than they treated the others.

We have heard three questions about this package, and the questions are these:

First, should we have offsets to the monies that are proposed here?

Now, we have not done that in the long history of disasters, for a good reason. You will never get the disaster money if you have to pit an existing Federal program against disaster money. We have always said that disaster is treated separately, and we would hope that would continue. It would not be fair or right to do this now. I would say to my colleagues, if we begin a pattern of offsetting now—there was some attempt to do it with Irene, but in a bipartisan way we rejected that in this body. If your whole area is hit next and you have to sit there and wait while Congress fights over offsets, what are you going to do? It would be an awful precedent to start that.

Second, we have heard: Why—what is this mitigation?

Some people have used the word ''stimulus'' to be equal to ''mitigation.'' The two words are totally different. As I understand stimulus, in the stimulus bill there was a percentage of programs that were put in that had nothing do with the stimulus, and that was probably a mistake. I don't think it was a large percentage of the stimulus, but it sure stuck in people's minds.

Any proposal that has nothing to do with a storm, a natural disaster, shouldn't be in this proposal. We agree to that. We believe OMB has scrubbed it, so there is no stimulus-type money here. There is mitigation money. What does mitigation mean? Mitigation means, quite frankly, that you rebuild but you rebuild in such a way that if, God forbid, there is another storm, you don't suffer the same damage. You don't put all those machines in the basement of NYU again; you move them up to the third floor even if it costs a little more. You don't simply rebuild the South Street subway station the exact same way; you put in either steel doors or those air bag-type things so that if, God forbid, another flood comes, the station won't be flooded and we won't have to spend the money all over again. Mitigation means that if the dunes are wiped out across the Rockaways and Long Beach, you build them up. You probably build them up a little higher so the damage—God forbid another storm comes—won't be as great and the expense won't be as great. We have always done mitigation. It has always been part of our bill.

I am glad to see my good friend from Mississippi here, who has been of such help and encouragement to us. All of us in New York and New Jersey so appreciate his wise, quiet, kind, and intelligent counsel.

I remember there was a proposal on the floor after Katrina. There was a railroad that was very close to the shore. Yes, it would have cost more money to rebuild the railroad a distance inland. I don't remember how much. I think it was about a mile inland, and it cost about $700 million more to do. Senator COCHRAN and Senator Lott made the argument on the floor, and it made sense to me, and I voted for it. I think all of us in the Northeast did. So mitigation makes sense.

The third argument we have heard, which is probably the one gaining the most weight now, is let's just spend a year of this money now, and we will see what happens later.

That would be nice, but there are three things wrong with that. First, sort of esoteric—it is the way we budget. We have outlays, and we have budget authority. While the outlays may not be great for this year because not all the money will be spent, we have always had budget authority that recognizes that things take more than a year to build. To cut back on the budget authority, not the outlays, would be against the way we budget around here and a new double standard, I would think, that would tie us up in knots in the future.

The second argument: How can you build a year at a time when many of these projects take more than a year to design, plan, and construct?

We have to redo the Brooklyn-Battery Tunnel—the largest underwater tunnel in the world, certainly in the country. Are we going to say: We will give you enough money to build a quarter of it today, and then come back next year and see if we should build a second quarter. No business would work that way. No government should work that way. Most of these projects need to begin now but may take more than a year. To say we are only giving money for the year doesn't make much sense. That is the second argument against this 1-year policy.

Third is the way FEMA and many of these agencies work. They don't reimburse you ahead of time. You don't submit a proposal and say: My house has $80,000 worth of damage. Send me the money, FEMA, and then I will hire a contractor and pay for it.

No, no. What FEMA tells the government, individuals, small businesses—it says: You go contract it. We will approve that that is actually the money that was needed due to the storm, and then we will pay you.

So if we don't have the money there now, how can we expect businesses and homeowners and governments to outlay billions of dollars that are needed and hope that maybe next year, we might allocate some money? It will at best dramatically slow down the growth or the rebuilding we desperately need, and it could halt it in its tracks.

There has been a CBO study that says that only a small amount of the money will be paid for now. But the CBO study, like many things CBO does—we all know this—was based on very narrow assumptions that don't apply. Let me give an example. There is $17 billion of CDBG money requested. That is where most of the help is. Senator COCHRAN and Senator LANDRIEU learned this when they had their problems. It goes for the housing and some of the other things, and it gives a little flexibility to the governments that they need—not a wide berth but a little more flexibility.

CBO said that only $75 million of it would be spent this year. Well, that was based on an old program that existed during Katrina. It was based on the fact that many of those who were hurt in the area, particularly in New Orleans, fled, and it took them months and months to even come back, let alone begin building homes. It was based not on the new legislation that has been proposed—which allows building to occur quickly and more easily based on some of the recommendations of my colleague from Louisiana, Senator LANDRIEU—but on the old stuff.

CBO said we will only spend, I believe it is $1.8 billion on transportation this year. The MTA has already bonded for $4.6 billion in repairs they need to make over the next 2 years.

It makes no sense, and I think there is a chart here—it says ''point to chart,'' but there is none, so I would point to the atmosphere. It just didn't match up to what the MTA's needs were. When I told the MTA what the CBO said, they said, ''What planet are they on?'' The FTA is now going to be the spend-out program. That was a recommendation made by the folks from the Gulf States after Katrina.

The FTA said it is much better to have a transit agency deal with rebuilding transit than to have FEMA do it; payout would be much quicker. But CBO based its estimates on the old FEMA model because they don't work on new models. We have learned that in the health care and other debates.

So the CBO study is wrong. It is just wrong. Those are the three arguments made against it, and none of them really hold up.

I say to my colleagues, if you can find stuff that is not disaster related in here, that is a legitimate argument, and we will work with you and scour the package more. But on offsets, on mitigation, and on this idea, let's just give the money needed for 1 year and wait and see what happens in the second year. You just can't rebuild an area if you do those things, most of which are counterintuitive.

There are a few more points I wish to make. New York has to do several things at once. We have to simultaneously rebuild, but we also have to protect against future storms, and to rebuild now makes sense and to protect makes sense. We can either invest in protections now or we will pay later. That is vital to know.

Second, I would make the point that within about 2 weeks after Katrina,

Congress passed $61 billion in aid. This idea we are moving much too quickly is belied by what happened there.

Third, on the issue of mitigation, the Stafford Act says there is a need and an ability to do mitigation. And in fact, it has shown that $1 invested in mitigation saves $4 down the road. So we have lots of things here that are brought up legitimately but don't make sense.

In conclusion—and after this I want to say a brief word about what happened at Sandy Hook, so close to my area—I hope we can come together in a bipartisan way and pass this legislation. I appreciate so much that we are off to a good start—no blocking the motion to proceed and allowance of amendments—and I look forward to working with my colleagues on both sides of the aisle to solve this serious problem.

NEWTOWN, CONNECTICUT TRAGEDY

I will be very brief, Mr. President, but I wanted to say a few words about Sandy Hook.

I rise this afternoon to join our Nation in grieving for the 28 lives that were lost at Sandy Hook Elementary School in Connecticut on Friday. Words are not sufficient to describe the horror we feel as a Nation as the days go by and the events of last week gradually sink in. I see the pictures in the newspapers of these beautiful young children and, like others, I don't know what to do. There is a lump in the throat, and I wish I could make it go away. I wish this man who did the shooting didn't exist or didn't do what he did. It is horrible.

I read about the parents of the 300 or 400 children in the school who were brought to a firehouse, and as they found their child had survived, the names of the parents were called out so they could reunite with their kids. As the numbers grew less and less and less, imagine being in the group that remained. Horrible, just horrible.

Today the conversation turns to what do we do about this and what do we do about gun violence. I believe we need a new way forward on guns that breaks through the gridlock that has paralyzed us on this issue. We cannot have each side just yelling at each other and accomplishing nothing. We cannot be gridlocked on this issue as we are on others. Both sides need to recognize something. Those of us who are pro gun control have to realize there are large parts of the country where guns are a way of life.

I know a little bit. When I was a kid, I got instructions on how to shoot a .22 rifle from an NRA-trained supervisor at my camp—summer camp—and I wasn't a bad shot. I won a couple of those merit badges for marksmanship and sharpshooter. A few years ago, I had the opportunity to visit with our colleague BEN NELSON. He took me out pheasant hunting. I enjoyed the experience. So we have to acknowledge that guns are a way of life and that the second amendment has a rightful place in the Constitution. We cannot interpret the first, third, fourth, fifth, and sixth amendments as broadly as possible and then say the second amendment should be seen through a pinhole of militias, that it only affects militias. That is only fair. But then our colleagues on the other side must acknowledge that, yes, there is a second amendment right—and by the way, the Heller decision now makes that the law of the land, so I hope our folks who are pro gun realize no one is going to take their guns away. Before the Heller decision there was a view every bit of gun control is a way to eventually confiscate the hunting rifle your Uncle Tommy gave you when you were 12 years old. But there is a Heller decision and that is a bulwark against it.

I think those of us on the gun control side should accept it, that it is only fair, only right the second amendment to the Constitution is there just as the others are and deserves respect and not an endless effort to chip away at it. But then our colleagues on the pro gun side should admit another thing, and that is that no amendment is absolute. As important as it is, as constitutional, as enshrined as it is, no amendment is absolute.

Take the first amendment. We can't falsely scream fire in a crowded theater. That creates such danger. That is an impingement on someone's first amendment rights. We have anti-child pornography laws. We should have them, but that too is a limitation on the first amendment. Even libel laws, in a pure first amendment world, you could say and defame anything about anybody you wanted. We say no. That is a limitation on the first amendment. Well, just as there can be limitations on the first amendment, and yet the essence of the first amendment is preserved, the same should be true of the second amendment.

I was the author of the Brady law. I don't think it has interfered with a legitimate owner's right to have a gun in all the years it has been around, while at the same time it has saved tens of thousands of lives. There are some on the extreme side of the right who say: Oh, no, get rid of the Brady law. They believe the second amendment should be absolute. But they are wrong.

I would argue that other changes—making it harder for mentally ill people to get guns or saying assault weapons are weapons of war and don't belong on our streets but belong on the battlefield—do not interfere with the enjoyment I experienced when I went hunting with BEN NELSON, nor with the right of a small shopowner in a bad neighborhood who feels he needs a gun or she needs a gun to protect themselves.

We can come together. There can be a way of moving forward in the middle, with the left admitting the second amendment is important and as much a part of the Constitution as the others, and with the right admitting that limitations on that amendment—as there are limitations on the first, third, fourth, fifth, and sixth—do not interfere with the fundamental right and, in fact, that no amendment can be absolute.

I believe you can be both pro gun and pro gun safety just as you can be in favor of free speech but also against child pornography.

We need to start this conversation now, without delay. We owe it to ourselves as a Nation but in particular to our children.

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

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

Mr. MENENDEZ. Mr. President, I rise today for the people of New Jersey whose lives have been turned upside down by Superstorm Sandy. I rise for families and small businesses still trying to recover, for homeowners in Little Ferry, shopkeepers in Moonachie, and for every family who lost property, possessions, and homes in Union Beach and Seaside Heights, and all along the Jersey shore.

I rise, for example, for this resident in Pleasantville who, you can see from this photograph, pretty much lost everything. This is the side of his house, totally ripped out. It looks like a dollhouse. But he was optimistic and hopeful for the future despite his challenges. This Sandy relief package is for him. By the way, he is a veteran.

I rise today for the 40 New Jerseyans who lost their lives in this powerful, devastating, and destructive storm.

As we come to the floor in the face of that tragic loss of life, I know all of my colleagues join me in offering our thoughts and prayers to the loved ones of the victims of Superstorm Sandy. I hope all of my colleagues will join me in casting a vote that tells those families they are not alone, that we are all in this together; a vote that says we are ready as a Nation to help families and businesses and communities recover when there is disaster.

I join with Senators LAUTENBERG, GILLIBRAND, and SCHUMER, and every Senator from the affected States, to thank the President for the request of $60 billion in aid to help our States begin the rebuilding process. This package is certainly a very good start.

The damage we saw after Hurricane or Superstorm Sandy is difficult to describe, in part because this was not only a powerful storm but it was an incredibly massive storm. We felt the greatest impact in New Jersey and New York, but as you can see from this NASA photo, the storm obscures almost all of the Northeast in this satellite photo.

The numbers are staggering across the region. We lost 40 people in the

storm. Based on preliminary estimates, over 300,000 homes in New Jersey were severely damaged, over 20,000 homes were absolutely destroyed or made uninhabitable. But we fear the numbers will be even much higher as reporting continues. The preliminary damage estimate provided by the State of New Jersey is now up to $36.9 billion in damage, and everyone expects that number will rise.

These are numbers. They may be a way to quantify the damage, but they fail to paint a picture of what we have seen throughout the State: the level of destruction, the faces of many thousands of displaced people who find themselves homeless and basically nothing left from their homes—their possessions, their keepsakes, their memories, all gone. Entire neighborhoods, where several generations of families lived in close-knit communities, gone, thousands of decades-old small businesses ruined, their owners unsure if they will have the ability or the means to rebuild. We are getting more damage numbers, but the human toll is truly incalculable.

The sheer scope of the damage is also difficult to fathom, but to get a better sense of that, we have compiled some pictures that I hope to show our colleagues. Let me thank the Star-Ledger, New Jersey's largest newspaper, for helping me compile these images from their photo gallery to tell the story of the devastation Sandy caused to our great State.

This is the Mantoloking Bridge which crossed Barnegat Bay and connected Brick with Mantoloking before the storm, and here it is after the storm. As you can see in this picture, the storm surge ripped a gash right through Mantoloking. These homes were largely all destroyed. As a matter of fact, the nature of the New Jersey coastline has now changed and there are inlets where there were none before, and it has totally rewritten the geography of the New Jersey shoreline.

The relief package we are debating today will help us repair, yes, this bridge, as well as some of the surrounding homes that were clearly lost and part of the highway that will need to be rebuilt, and it will help us defend this community from the fear of this happening again, of part of the community totally being ripped out.

While much of the damage was on the Jersey shore, northern New Jersey communities such as Little Ferry, as seen on this photo, and Moonachie saw extensive river flooding when a berm failed. I was actually by this location and saw FEMA emergency management teams, as well as local police and firefighters, getting people out of their homes in rafts in order to be able to get to dry land. Private property damage to both towns has been estimated to exceed $15 million. This bill will help these people rebuild and provide the State the resources it needs to build the berm back stronger.

In Sayerville, this is the third time in 3 years they have experienced severe flooding. In this picture, Mei Zhu surveys the damage inside her home. And that look of absolute fear and terror of what is before them is a look I have seen far too many times on the faces of New Jerseyans.

The foundations of some homes were ripped away, causing fear of physical collapse. Other homes were condemned and residents were told to leave. According to construction officials, in this borough alone a list of 39 homes with collapsed foundations and 246 other homes were severely damaged.

After these repeated floods, many are now asking for their homes to be bought out, but an additional $55 million is needed to allow these residents to move on. This bill has the resources needed to allow the State to fund these buyouts and allow Sayerville to deal with its new realities.

Here now are two pictures of Union Beach, NJ, a working-class town that could not afford the local $30 million to $40 million match for an Army Corps beach engineering project.

In this photo, you can see the storm devastated entire neighborhoods. Rebuilding defenses only to the standard that existed before the storm will give us more of the same in the next storm. If we don't do things differently, we shouldn't expect a different result.

In this next photo, you can see houses that were crushed by the storm's surge. Yes, we can help these homeowners rebuild, but if we don't rebuild smarter, better, and with stronger coastal protections, we will be back here again after the next storm paying the same price both in terms of human suffering and Federal funds.

I appreciate that colleagues came to see the devastation, the many administration officials, and the Vice President. We saw the difference between an Army Corps-engineered beach and one that is not. Where there was an Army Corps-engineered beach, you had very little destruction. Where you did not, you had massive destruction. The storm proves what the Army Corps of Engineers, academic studies, and local communities have been telling us for years: Beach engineering works. It protects lives, it protects property, and it saves us money in the long run from repetitive loss.

This next image is what you can see by helicopter all up and down the Jersey shore. This is one part, Ortley Beach, where many homes were destroyed and totally encased in sand. Many communities going back blocks and blocks off the beach will be found in very similar sets of circumstances.

Just to give you a sense of the magnitude, this is one community. Multiply that by a whole host of communities along the Jersey shore going back literally blocks and blocks of this picture.

In a different context, hundreds of thousands of New Jerseyans have had their commutes disrupted because of the storm. Every single New Jersey Transit rail line was affected. Most service has been restored, but even today the Port Authority's PATH terminal at Hoboken, which brings thousands of riders back and forth between New York and New Jersey and the major financial markets of this Nation, is inoperable and it still won't be back on line for some time, affecting the commutes, the lives, and pocketbooks of 30,000 passengers who use that station every weekday. This closure has hurt many local small businesses and is forcing some workers to take a 6:30 a.m. bus every morning instead of an 8 a.m. train. Others are taking ferries, of course far more costly than their PATH ride, meaning that their personal budgets are hit dramatically each and every week that they are going to work. Superstorm Sandy caused an estimated $7 billion in damage to transit systems across the region, disrupting not only people's commutes but taking time from them to spend with their families and money out of their pockets.

Here is a picture from a security camera showing the rushing corrosive seawater into the station of Hoboken, NJ. The saltwater has been pumped out and the silt that had accumulated has been dug out, but electrical equipment will need to be replaced and rebuilt before we see the tens of thousands of riders who rely on this station traveling again.

Other than the destruction wrought by the storm surge itself, arguably the biggest impact of the storm was the loss of power. At the outage peak, approximately two-thirds of the entire State was without power. Ten days after the storm, 10 percent of the State was still without power. Without power, these customers did not have heat, despite temperatures in the low 40s. Of the 40 New Jersey deaths, about half were directly related to the loss of power, including oxygen machines shutting off, people falling in the dark, carbon monoxide poisoning from generators, and hypothermia. Fully restoring power was a Herculean task, requiring utility crews from as far away as Oklahoma and Quebec to help local line workers.

At this moment our defenses are so low. It is like your immune system; when your immune system is depleted and at its lowest, you are most susceptible to getting ill. Up and down the New Jersey shoreline, we are totally defenseless. All we need is a northeaster—God forbid—and we will be in critical shape, unless we get this money to rebuild.

The Jersey shore was the epicenter of the destruction caused by Superstorm Sandy, as the storm made landfall near Atlantic City. From Sandy Hook to Cape May, tens of millions of people visit the shore every year. It generates $38 billion in revenue to thousands of businesses annually. Here you can see the tremendous damage at the iconic Casino Pier at Seaside Heights. This photo shows more than just a mangled roller coaster; it symbolizes the destruction of an entire community—the

small businesses that rely on this and other attractions and fuel this shore community.

New Jersey small businesses have suffered a combined $8.3 billion in damages, according to preliminary analyses. Here in Seaside Heights, many shore businesses were devastated. Here in Bay Head, a salon has its flood-damaged furniture piled out front awaiting removal. When we went to Long Beach Island with about four of our Senate colleagues, they saw block after block of businesses totally closed. This isn't about seasonal businesses. These are businesses that actually would be open but for Superstorm Sandy.

Here is a business owner cleaning up after flooding at Elsy Auto Repair in Newark. It gives you a sense of the breadth and scope of the shore, Newark and all types of communities affected.

I wanted to walk through these photos to give my colleagues and fellow Americans a sense of the damage we have seen throughout my home State. But what I have shown you still does not do justice to the full impact of the storm or the devastation people went through. Every part of New Jersey was affected by the storm and we need your help to recover.

Unfortunately, there are those voices saying the cost to help families rebuild and recover is too much, that it should be reduced; that in this emergency, unlike many other similar emergencies in the past, we should do something smaller and wait to do the rest later.

Those who make such arguments could not, respectfully, be more wrong. We cannot rebuild half a PATH station, a little now and more sometime in the future; we cannot permanently repair half the Mantoloking Bridge; half a bridge is not a bridge at all. We cannot hire a contractor to rebuild half a house or restore half of a community. We need the money in place to rebuild entire projects and entire areas to ensure that families and businesses devastated by the storm can recover.

Right now there are tens of thousands of small business owners trying to decide—their life is on hold—whether I will have some assistance by the government that will help me reopen or I will pack it in. They need to see a full Federal commitment right now to know they have the resources and the customers they need to make it. Half a loaf or a wait-and-see commitment is simply not good enough.

I do not want our small businesses to pack and move on. I do not want multigenerational businesses to end because of a superstorm. I know Governor Christie doesn't want them to move on either. We want them to recover and stay in New Jersey. Disaster reimbursement from FEMA and agencies such as the Department of Transportation only flows when a project is completed. That makes the spending seem slow but actually the rebuilding happens much more quickly. Local communities are able to budget and contract for a project, knowing the money will be there at the end. If we wait, if we do not put up the money, then some of the rebuilding will also wait and a piecemeal recovery is a stalled recovery and, in all likelihood, a failed recovery.

The need is clear for passage of the Sandy relief package for my State and for the entire region devastated by the storm and the ruin it left in its wake. We have just gone through an election at the heart of which we debated the role of government in our lives. I submit we need to focus on what government does to help build the spirit of community we have seen in action in the aftermath of this devastating storm. Americans across the country were riveted by the stories of the immediate aftermath of the storm: the pictures of entire communities underwater, homes moved blocks down the road, homes and train cars blocking Federal highways, hospitals closed, gas lines miles long, people waiting hours for fuel to run generators to keep their homes heated and families warm, weeks of fuel rationing and no transit or Amtrak service for the entire region for people to get to work or visit their families.

Without a doubt, these were trying times for New Jersey. But now, just because those scenes are no longer showing in living rooms across the country, does not mean the pain is not there. It does not mean the recovery is over. Thousands of families are still displaced from their homes and will be for months to come.

We face this at the beginning of a winter. Many of these superstorms and hurricanes come in tropical times. We are in the midst of winter. The bite is even worse. Transit lines are still out. Community infrastructure still has to be rebuilt. Now is not the time for the Federal Government to walk away. It is more crucial now than ever for the Federal Government to help devastated communities rebuild, to help families get the assistance they need to repair their homes and put their lives back together. I, for one, will not rest until the rebuilding is done.

Whether in the Senate or before in my role in the House of Representatives, I have never said no to disaster funding—whether that was a result of Hurricane Katrina, for the people of Louisiana, Alabama, Mississippi; whether there was flooding along the Mississippi; in another context, whether it was tornado disasters in the Midwest; whether it was crop destruction for our farm States, I have not said no because I believe that is the essence of why we call this country the United States of America.

The only difference is the location and extent of the destruction. Now it is time for my fellow Americans to stand with New Jersey. We have been battered, but we are not broken. We are stronger and more united in our efforts to work to recover, rebuild, and recommit ourselves to uniting around common concerns and shared values rather than being divided by our differences. This is the lesson we learn and together we will rebuild and the Garden State will bloom once again.

I look forward to my colleagues supporting us in this effort as I have supported our fellow Americans, their people in their State and their challenges. This is one in which we need them to join hand in hand with us and to remember that but for the grace of God there go I.

This will happen someplace, sometime in another part of the Nation, and I will be proud at that time to once again say, yes; this is the United States of America.

Mr. LAUTENBERG. Mr. President, on October 29, one of the largest Atlantic hurricanes on record slammed into the Jersey shore. At the same time, a winter storm system hit New Jersey from the west, creating a superstorm that did unprecedented damage to my State.

When the sun came up the next day, parts of New Jersey looked like a war zone.

Reports indicate that more than 30 people in New Jersey were killed, and at least 100 in the U.S. lost their lives as a result of this storm.

Across New Jersey, 350,000 housing units were damaged or destroyed.

Imagine how all of those families felt. Imagine having to evacuate, and coming home to find nothing there. The place where you raised your children and created so many memories—gone.

Across our State, 75 percent of small businesses were affected; big parts of our transportation system were shut down; and our electrical grid was crippled. There were approximately 2,400,000 power outages in New Jersey, affecting roughly two-thirds of all power customers in the State.

In response to this devastation, I was proud to see New Jersey Governor Chris Christie and President Obama put aside their political differences and join together to help people in a desperate situation. This bipartisan leadership made the whole country proud.

We have an opportunity with the bill we are considering this week to show that kind of leadership here in the Senate.

The Superstorm Sandy supplemental appropriations bill will help New Jerseyans recover from this storm and rebuild our State so we are stronger for the next storm.

The bill extends $60,000,000,000 of aid to New Jersey and the region.

That's about $20,000,000,000 less than New Jersey and New York estimated the States would need—and those State estimates took weeks to compile and were done with help from third party analysts.

Simply put, the bill before us is a reasonable down payment on the basics of our recovery and rebuilding effort.

Where private insurance wasn't enough, this bill will help residents and small businesses pick up the pieces and begin to restore their lives.

It helps fund the repair of our devastated transportation network, our damaged electrical grid, and other public infrastructure.

And the bill provides for proven Federal programs that will help reduce flood risk along New Jersey's shore and protect the investment we are making in rebuilding coastal communities.

The situation in New Jersey is still desperate.

Tens of thousands of New Jerseyans face unemployment because of the storm.

And 7 weeks after Sandy, more than 40,000 people in New Jersey are still out of their homes. Their suffering will only increase as we enter the coldest months of the year.

And the Hoboken PATH station remains closed as well, causing local businesses to shut their doors.

How long are we going to make people wait for relief?

When other States have suffered overwhelming disasters, Congress has helped them rebuild and restore. That is what we do as Americans—we help each other in times of need.

We saw the worst of Mother Nature in Superstorm Sandy. But we saw the best of the American people. Neighbors helped neighbors, and leaders put politics aside.

Now it is our turn in the Senate to join together across party lines and help rebuild New Jersey, New York, and the other States that were devastated by Superstorm Sandy.

Let's pass the Sandy supplemental appropriations bill this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

NEWTOWN, CONNECTICUT TRAGEDY

Ms. MIKULSKI. Madam President, I rise to speak as the chair of the Subcommittee on Commerce, Justice, and Science, to talk about the aspects of my bill, the parts of my bill that are in the supplemental. But before I do, I want to join with other Americans in extending my deepest condolences to the families in Connecticut, those 26 families who faced a tragedy of such enormity that it is impossible for the mind to comprehend and the heart to endure—the murder of 20 sweet, innocent children and 6 teachers who died protecting their children.

When we look at the photos of the children, we see in many of them the faces of our own families. We can only imagine the agony they are facing right now. I wish to extend my heartfelt support to them and also to all those who responded to the tragedy: those on the scene, the school principal who literally put herself in the line of fire to protect her students and tried to alert them through the intercom system; to teachers in the classrooms and a teacher's assistant who literally shielded them with their own bodies and their own know-how. Then there were the police and other law enforcement who went into the school, not knowing what danger and horror they would face or how they could rescue the children. There were the ambulance drivers who raced to the scene, paramedics, and even grief counselors needed counseling at one point.

In this situation, the families bear this incredible grief, but we all do too. Whether for those people on the scene, for those who have the permanent wounds of the bullet or those in Connecticut or those families who will bear the permanent impact of this tragedy, we lift our hearts in prayer for these victims and we lift our voices to end violence in America. We must look at ending violence in our country. We need to be able to look at the issues around gun control and ammo control, but that is only one aspect of it. We also have to look at issues related to mental illness because for those who suffer mental illness—whether it is those who have the illness themselves or their families who try to cope with it—they are often alone and helpless.

That is not by way of explanation or excuse for what happened in Connecticut or Colorado—what happens now all too frequently in our society. But there is a pattern, particularly of young men over the age of 18 and below 30 who seem to fall between the cracks, missing the help they need to be able to deal with those demons inside themselves. We need to be able to focus on that.

I agree with the President who said last night:

> No single law—no set of laws can eliminate evil from the world, or prevent every senseless act of violence in our society. But that can't be an excuse for inaction. Surely, we can do better than this.

We must do more to protect our children and our communities, not only with words, prayers and vigils but actually with the deeds here.

So know I will join with my colleagues to reinstate the assault weapons ban. I plan to work with Senator FEINSTEIN to introduce a bill that will deal with military-style weapons and high-capacity bullet clips. Weapons of war have no place on our streets, in our schools or in our homes.

For those who cry: Oh, it is regulation—we regulate food for our safety. We regulate cars for our safety. We need to now look at regulating guns. But know that, as I also said, we must also look at the issue of mental illness, particularly in young adults.

Our colleague Senator LIEBERMAN is proposing a commission on violence. I am often skeptical of commissions, but I believe if JOE LIEBERMAN headed up that commission and we looked at it, it would come out with an action plan. If there was a pledge to support the recommendations of that commission, I would also be able to support it.

We need to look at guns, mental health, and those things that glorify violence in our society or glorify that somehow or another guns are a solution to every problem we have.

Today, the funerals in Newtown begin. Our mourning will go on for a long time, but our work as well must continue over the days and the weeks ahead. I intend to work with my colleagues to change the law and change the culture of violence.

I also rise to speak on my commerce and justice bill. I want to focus on my national responsibilities as the chairperson of the Appropriations Committee on Commerce, Justice, and Science. I also wish to point out that Maryland was hard hit too, especially the communities in the lower shore and in particular the community of Crisfield. I will speak more about Maryland and what we faced during Hurricane Sandy tomorrow.

It was ironic that when the hurricane hit, we faced hurricane winds in one part of our State and a blizzard and nor'easter in another part of our State. So we had State troopers on snowmobiles trying to go in to rescue vulnerable populations in Garrett County. We also had our State troopers and guards on rafts and on swiftboats going in to rescue vulnerable populations being hit by the flooding waters and the horrific hurricane winds. Although we were not hit in Maryland the way New York and New Jersey were, we face damages too.

Up and down the Atlantic coast, there was tremendous damage. I am here to talk about the CJS portion of this urgent supplemental. It provides $513 million to repair, replace, restore, and rebuild our communities and our critical assets. In our case, the CJS bill is about restoring critical assets for Federal law enforcement, our weather prediction and weather facilities, NOAA, and what was damaged in our fisheries program. Even NASA's spaceport Wallops facility was damaged by Hurricane Sandy.

When a storm such as Sandy hits, it devastates everything in its path, including Federal facilities, such as the offices and equipment of our law enforcement agencies. Our Federal law enforcement agencies—the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms—were also hit. We need to make sure we maintain support for these law enforcement agencies, and therefore we have in this appropriation $15 million for the Department of Justice to repair these facilities by replacing equipment and operational tools damaged by Hurricane Sandy.

This will also help FBI facilities in New York and New Jersey that were hit. The New York field office, resident agencies, and even labs and case record storage facilities were damaged. They are all important in dealing with fighting crime, whether it is terrorism, organized crime, or financial fraud. Sewage and mud destroyed the New York

field office mobile command center, specialized laboratory trucks, and evidence response team vehicles.

This appropriation also has $1 million to restore the tools the Drug Enforcement Agency needs to go after drug traffickers. Radio communications and the antennas to stay connected were damaged. The New York division's information technology system needs all the help it can get to be able to replace those 15 vehicles used for important kinds of forensic detection and wiretap that were lost to flooding or crushed by falling trees.

Also included in the appropriations is the Bureau of Alcohol, Tobacco, and Firearms, which will get $25 million. Flooding swept through the ATF offices in Brooklyn and Manhattan. It damaged communication, security systems, and other tools Federal agents need to detect crime, fight crime, identify the perpetrators of crime, and gather the evidence.

We have $10 million in here for the Bureau of Federal Prisons. Ten Federal prisons were affected by Hurricane Sandy, located in four States: New York, New Jersey, Pennsylvania, and West Virginia. We need these repairs to meet safety and security requirements to make sure the inmates are kept secure and the prisons are fit for duty. They will need $10 million to be able to do that.

Let's talk about the science side. Our Federal science facilities along our coast were also damaged. Repairs are needed in Federal laboratories, research facilities, and monitoring equipment.

NOAA needs $15 million for ocean and coastal equipment damaged by Hurricane Sandy. For example, 45 tide stations and data buoys were damaged. What does that mean? It is absolutely crucial for these buoys to give us the navigational information for safe navigation into and out of affected ports. The Presiding Officer knows, as the Senator who represents Washington State, how important access to a port is and how important the NOAA facilities are to help our ship captains and our port pilots have accurate and reliable data. They were damaged up and down the coast. They will need $63 million to repair and improve weather forecasting equipment and capabilities. Nine NOAA weather radio sites were damaged, including broken transmitters and antennas. Repairs are needed so they can be able to give us the right weather forecast even during a storm, to be able to give us the right information to protect our communities. For every mile we can be accurate, we will save $1 million in evacuation costs by the State, local, and private sector. Every dollar we spend that can provide accurate forecasting saves lives and saves money. In addition, even the NOAA hurricane hunter planes were damaged. We have three of them. Only one plane was able to work during the 2012 hurricane season. Two other planes desperately need repairs, and we are going to do it.

Also, we need to repair NASA facilities that were damaged along the coast. Beaches were washed away near the NASA launch pad at Wallop's Island. The launch pad sits steps from the beach, and workers had to stop testing the rocket that will be used to take cargo to the space station. After Hurricane Sandy, they said they had not seen this much damage in over 6 years. This is a very important facility. There were other NASA facilities that were damaged because of the impact and their closeness to the beach.

We also need cleanup. Entire coastal communities were washed away. The magnitude was amazing. Right now we have debris from storm damage that can be dangerous to fishing vessels, public health and safety, and to marine life. This funding is important for the communities hit by Hurricane Sandy and also for the west coast communities that are still struggling with debris. I understand in Oregon, Washington State, and in California they are still dealing with debris from the Japanese tsunami. I know the Senator from Washington State as well as Senator MURRAY have spoken to me about it.

We need to clean up what was washed up. It is important not only for the safety of our beaches but also so that ships have clear navigation. We are also going to be looking at coastal habitat.

Due to the hurricane, not only were people displaced but fisheries were destroyed as well. I am not equating the two, but for many of us who are coastal Senators, we know that the fisheries are an important part of our identity, an important part of the economy, and an important part of jobs in our communities. We call them watermen in Maryland. Our colleagues from New England call them lobstermen or fishermen. I know the Presiding Officer calls them fishermen. Whatever name we use, those men and women who work and harvest the sea depend on their fisheries.

There were several fisheries which were damaged because the storm created such an aquatic and habitat upheaval. Assistance is needed for our fishermen and our fishing communities which depend on this for their livelihoods to get help. We will be focusing in this bill on New England groundfish; Mississippi's—which was hit by another hurricane—oysters and blue crabs; as well as Alaska and its salmon. Those who were affected at the salmon fisheries will benefit from this bill as will New York and New Jersey.

At the same time we will provide assistance to legal aid for mobile resources and disaster coordinators. There is a tremendous demand for their services to help people sort out many of the aspects of this. They help them with their benefits and their insurance. They need help just sorting things out when they don't have the documents they need.

We are going to have lawyers on the ground to work with the community. Legal aid will be doing this, and they will be also coordinate pro bono orders.

We see this bill not just as spending on these items, we see this as helping the communities get back on their feet and ensuring they have vital Federal services in law enforcement and the safety and protection of their community. We need to maintain the safety of our Federal prisons and make sure there is safety and access to our ports in order that safe navigation will be provided.

For every dollar we spend, we are going to be creating jobs. It is going to take jobs and human beings to replace and replenish our beaches. This is important. It is a jobs bill. When we talk about going in and stabilizing our prisons or helping with the New York field office, and so on, these are going to be jobs in construction, in office space restoration, and mold mitigation.

Item after item will help provide an opportunity that even men and women whose jobs were displaced because of this storm will have the opportunity to be able to participate in these Federal contracts to rebuild the very communities that they are from. I know we hope that happens.

After all of this, we are going to have safer beaches and safer navigation. We are also going to continue the excellent work that has been done by NOAA and weather forecasts. They gave us plenty of warning so that we were able to save as many lives as we could, but unfortunately we could not save those homes and we could not save those livelihoods.

This supplemental helps people get back in their homes, get those communities back, and hopefully we will restore those livelihoods. I look forward to ensuring that my aspect of the bill moves in an expeditious, speedy, and smooth way.

I thank the the ranking member, Senator KAY BAILEY HUTCHISON. She worked with me on a bipartisan basis to put together my part of the supplemental. This will probably be the last bill she will help move. I appreciate her help.

I hope my colleagues, as they look at the overall aspects of this bill, will move it. Tomorrow I will be talking more about the FEMA and HUD aspects, particularly as they affect Maryland. I hope that as the lameduck moves along, we move in a bipartisan way to get our people back into their homes, back to work, and get back the faith that the Federal Government is on their side and responds to them.

The Senator and I thank President Obama for his leadership and giving us the right framework. We have it all lined up here, and we are ready to go.

I yield the floor.

The PRESIDING OFFICER. The Senate majority whip.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. DURBIN. Madam President, as I was coming to work today, I drove past St. Peter's grade school which is on the House side of the Hill, and there was a

group of students—little kids—who were being escorted by their teacher down the sidewalk. As they walked along I couldn't help but flash back to that image all America remembers from last Friday—the children at the Sandy Hook school in Newtown, CT, filing out, heading for safety at the firehouse.

I don't know that I can look at the faces of these children as their names have been reported and not think of my own kids when they were that age, and especially of my own grandchildren now, who are just a little over a year old. But I saw in the eyes of those children what all of us see: innocence, happiness, an interest in the future, and the greatest dreams in the world.

Well, in one brutal, depraved moment, those dreams ended when that gunman forced his way into Sandy Hook school and shot those poor innocent children. At that moment, some people stepped forward who really became heroes of the day: Four teachers, including Rachel Davino, Anne Marie Murphy, Lauren Rousseau, and Victoria Soto, and the school psychologist, Mary Sherlach, and Dawn Hochsprung, the beloved school principal who apparently walked right into the face of this gunman to try to stop him from harming any of the children in the school. These school employees lost their lives because they were trying to stop the gunman or shield their students from him.

We would like to think all of us called into a moment such as that would rise to the standard of courage they showed. I hope we would. They did, and in so doing reminded us that even those who just go to work every single day can be called on to show bravery. These teachers did, the school psychologist and the principal, and we owe them a great debt of gratitude, as I am sure the families of all of the students in the school feel.

We pray for all the children were lost on Friday, for the six school employees, and for all their families and loved ones. We also pray for the first victim that morning, the shooter's own mother, Nancy Lanza. And we thank the first responders who responded so bravely in the face of such horror.

We reflect now on our responsibility. I thought about it over the weekend, and I wrote an article for the Chicago Tribune this morning and here is what it said:

What will it take? What will it take for a majority of Americans to speak out for sensible firearms policy in our nation? It will take more than a Congresswoman being shot point-blank in the face as she gathers for a town meeting in Arizona. It will take more than a deranged gunman with a 100-round magazine spraying bullets into a crowded movie theater in Aurora, CO. It will take more than the kids who die playing with guns carelessly stored. It will take more than killings on the university campuses in my home State of Illinois and in Texas and Alabama and Virginia; and it will take more than the shootings on the streets of Chicago, my hometown of East St. Louis, and so many other cities across the country. Sadly, it will take more than 27 victims, including 20 children, at Sandy Hook grade school.

What it will take is for a majority of Americans and a majority of thoughtful gun owners and hunters to agree that there must be reasonable limits on gun ownership and weapons. The U.S. Supreme Court acknowledged that our second amendment rights are not absolute. So can we come together and agree that Americans have the right to own and use firearms for sport and self-defense, but with certain limits?

We must institute reasonable, commonsense limits, such as barring those with a history of mental instability, those with a history of violent crime or who are adjudged dangerous and subject to restraining orders, and those whose names have already been placed on a terrorist watch list from owning guns. Those ''straw purchasers'' who are literally fencing for drug gangs and other criminal thugs, and the gun dealers who look the other way when they come to buy those weapons? We have to deal with them realistically and firmly.

There are certain classes of weapons that are strictly military. They have no useful purpose in sport, hunting, or self-defense. They should not be legally sold in America. The gun used at Sandy Hook grade school in Newtown, CT, was just such a gun, an AR–15, originally an M–16, developed for military purposes. Then, with clips attached that held countless numbers of bullets, he turned it on those little babies, these infants, and killed them with that assault weapon. Magazine clips with more than 10 rounds should be prohibited from civilian use.

No one should be allowed to purchase more than two firearms—maybe only one firearm per month. And those who own firearms that are within the reach of children should have protective locks on their weapons.

What holds us back are political organizations that are well-funded and organized and determined to resist even the most reasonable limitations. There is a close political parallel between the gridlock in Washington on dealing with our economy and national debt and the eerie silence in Congress as the list of horrific gun crimes grows by the day.

I am encouraged by several of my colleagues who have spoken out today. Traditionally they have been on the side of those who have opposed any type of limitation on firearms, but they believe, after Newtown, CT, we have to reopen that conversation in a good-faith effort to find common ground.

But too many of my colleagues just shrug their shoulders when gun issues come to the floor for a vote. They have made Grover Norquest-like pledges and feel dutybound to vote ''right'' on every scorecard issue.

My wife and I grew up in families of hunters. We know the rite of passage when a father can take his son or daughter out hunting for the first time. I know the fun of watching the Sun come up from a duck blind and hearing a seasoned hunter calling them in over the water. The hunters I know are good people who love their sport and hate those who misuse firearms, terrorize, and kill. We need for these hunters to join with many Americans, some of whom have never owned a gun or used a gun, to establish a reasonable standard for gun use and ownership in this great Nation.

I was thinking over the weekend how much we have focused on texting and driving, and I looked up the numbers. Last year it is estimated that 6,000 Americans died because they foolishly were texting while they were driving. We now have a national campaign to stop texting and driving, and we should: 6,000 American lives lost. Last year we lost 30,000 American lives to gun deaths, to put it in perspective. It is time for us to view safety and ownership of guns as seriously as we do when it comes to the safety of operation of automobiles. Until we do—until we come together as a Nation and come forward with reasonable limits on guns that can be sold, magazines and cartridges that can be sold, even the body armor which I can't even understand the purpose for in this country—until we do that, the number of victims of gun tragedies will continue to grow and the silence of the funerals that follow will be matched by the silence of those in Congress who have the power to change it.

It is time for us to step forward in memory of these poor children in Newtown, CT, their grieving families, these heroic teachers, and so many others who reminded us last Friday that we are all part of the same American family.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, before the Senator from Illinois leaves the floor, I commend him for his statements, first on his nominee for the Illinois judgeship that has been delayed for far too long, through no fault of the Senator from Illinois.

This weekend was a very difficult and trying weekend for our families and so many other families, although nothing compared to the families in Newtown, of course. I pretty much stayed off the phone and spent time with children and grandchildren. I made an exception for a couple of phone calls with the distinguished senior Senator from Illinois. I told him that when we come back in in a couple of weeks for the new Congress, I will work with him to make sure the Senate Judiciary Committee has full and thorough hearings on the subjects he has just spoken about, as he stated here so eloquently and as he did in his television interviews this weekend.

The President was absolutely right when he said there is a number of

issues. Obviously the issue of guns is one of them. Mental health is another. There are several issues. Several committees will look at these issues, and should. But I think the Senate Judiciary Committee has a very particular role to play, and I pledge to the Senator from Illinois he will have my complete cooperation in that regard. He was one of the rare phone calls I made this weekend, as well as to a couple national law enforcement officials.

I thought I had seen some of the most horrific crime scenes in my career, but they don't even begin to compare to what the first responders and others, including school officials and parents, saw in that elementary school. The memory is fresh for us, but can we imagine the memories for the families of both the adults and the children who died? It is a memory that will never, ever fade. I think we ought to show our responsibility and step forward to find out what can be done not as Democrats, Republicans, conservatives, liberals, but as Americans. I believe it can be done.

I see the time of 5 o'clock has nearly arrived, but I also see the distinguished Senator from Maryland on the floor. He wishes to speak on the supplemental. I ask unanimous consent Senator CARDIN be permitted to speak on the supplemental and that if he goes past the time of 5 o'clock he be allowed to continue using my time on the judicial nominations.

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

The Senator from Maryland.

Mr. CARDIN. Madam President, first let me thank Chairman LEAHY for those words in his exchange with Senator DURBIN. I wish to offer my deepest condolences on behalf of all of the people of Maryland to the 20 students who lost their lives, and the 6 adults, at the hands of a single shooter at Sandy Hook Elementary School in Newtown, CT.

It is heart-breaking to listen to the stories of innocent lives cut cruelly short. The pain and grief of the families and friends of these students and teachers is unimaginable.

I want to echo some of the comments Senator DURBIN and Senator LEAHY made. We know the teachers and the aides put their lives on the line in order to try to save the children, as well as the unbelievable task of the first responders coming to the scene and not knowing what they would find. We send our prayers to all.

This is a tragedy beyond words. I think President Obama said it best last night that our hearts are broken. But as Senator DURBIN has said—and I say to Senator LEAHY, I particularly want to thank the Senator—we need to take action. Congress needs to come together and take action to protect the safety of our children. We must do better. There have been too many episodes in which children's lives—and others—have been lost that we must figure out ways to prevent these types of tragedies.

This conversation must include a discussion about the culture of violence that permeates our culture today, including the glorification of violence to our children and young adults. We see too much of this violence, and it has to have an impact on young children. We need to know how we can responsibly deal with this circumstance.

It must include a discussion of the mental health services provided to Americans, including our students. Many of us have talked about this in the past. We have to be more aggressive in dealing with the mental health needs of all the people in our community.

As Chairman LEAHY pointed out, we must discuss the issue about the ready access of individuals to weapons. I know there are different views in this Congress. I must tell you, I do not understand why we need to allow access to military-style assault weapons and ammunition.

I strongly support Senator FEINSTEIN's efforts to reinstate the expired 1994 ban on assault weapons, including a ban on ammunition magazines that hold more than 10 rounds.

Senator DURBIN has raised a very valid point: We regulate automobiles. We regulate consumer products. We regulate a lot, as we should, for public safety, and we should regulate firearms for public safety reasons.

There is no need for assault weapons to be held by the public. In my view, there is no legitimate reason for a civilian to possess a military-style weapon or to have large capacity ammunition clips. Congress should also examine whether we can strengthen our background check system for gun buyers, along with criminal penalties for those who illegally purchase or transfer guns.

We need to take a look at safety locks for children. We need to look at those who make multiple purchases. We need to look at the gun show purchases. I think we should examine all those to see whether we can make our communities safer, without infringing upon the legitimate right of individuals to possess guns, sportsmen to be able to use guns for hunting. I think all that, obviously, will be protected. But we can do a much better job of protecting public safety.

We have talked about this before, and we need to act. We need to act in a comprehensive way to make our society safer. I pledge to the chairman of the Judiciary Committee—I have had the honor of serving on that committee for 4 years. He is an extremely fair leader who believes in letting all sides be heard, and I very much appreciate his commitment in so many different areas that have dealt with public safety. We have great confidence in his leadership on that committee, and other committees of the Senate need to act as it relates to the safety of our children.

(Mr. BEGICH assumed the chair.)

Mr. CARDIN. Mr. President, I know we have pending the supplemental appropriations bill. I urge my colleagues to act on this as quickly as we can. Sandy was a devastating storm. Eight million people were without power. There were over 100 deaths, including 7 in the State of Maryland.

Maryland was hit hard, not as hard as New Jersey or New York—and our prayers go out to all the communities that have been affected—but Maryland was hit pretty hard. We had sustained winds for hour after hour after hour after hour. We had rainfall records—9 inches. We had storm surges with 7 foot waves. We had flooding of the Eastern Shore of Maryland. We had a storm in the western part of our State that dropped 30 inches of wet snow.

So we suffered from the flooding on the Eastern Shore and the storms in western Maryland. In many of the communities, people who live below the poverty line are elderly. Senator MIKULSKI was just on the floor and talked about the circumstances in the city of Crisfield. In that city, 32 percent of the population lives below the poverty line. Mr. President, 585 homes were severely damaged, 71 sustained major damage. The watermen, which is one of the major industries for that community, found that they were literally unable to work, and they are still unclear as to what is going to happen to their crops.

We have a serious problem. I will give you just two examples of people who have lived through this storm.

In Crisfield, Mary lived in an apartment with Cody, her trained medical dog. Mary suffers from epileptic seizures, and Cody serves as her lifeline when these seizures occur.

Mary has no family in the area. She cannot work due to her disability. Her only source of income is a small Social Security check.

When Hurricane Sandy hit Crisfield, the water rose rapidly in her apartment. Mary was forced to grab Cody—and nothing else—jump out the window and swim to safety. She lost all her belongings, including all her records, which might be helpful for her to be able to get the benefits she is entitled to.

She is now in temporary housing at a local motel, paying $60 a night, which she cannot afford, until she can qualify for the assistance. In an area that has a high number of low-income elderly persons, Federal assistance is needed to help deserving senior citizens severely impacted by this storm.

Then there is Diane, who also lives in Crisfield with her family in her childhood home. According to Diane, she has weathered many storms over the years but never in her lifetime has she ever seen the water rise so high and so quickly, inundating the first floor of her home and creating huge whitecaps around her neighborhood. Diane decided to ride out the storm in her home, fearing the possibility of drowning if she left.

The family lost all their possessions. With housing vouchers, they are now

living in temporary housing. A church group gutted her home, but she still needs building materials in order to be able to rebuild her home. She does not have the resources to do that. She needs Federal assistance in order to get her life back in order.

They are just two stories, and I could give you numerous others in the State of Maryland. In the western part of our State, in Garrett County—Garrett County is a community of 30,000—15,000 homes were without power. That is just about every home. Trees fell everywhere. This is a remote Appalachian community, where people were isolated because of the storm. They need help. They need partners.

I wish to congratulate Governor O'Malley and our State leaders and our county leaders. FEMA did a great job. I want to thank the Red Cross and other private sector groups.

But now it is time for the Federal Government to act as a true partner.

I thank President Obama for the disaster declaration for our State, including individual relief for the County of Somerset. This legislation strengthens the Federal partnership. It provides the resources so we can help people such as Mary and Diane who have been devastated by the storm. It will provide the resources necessary so they can put their lives back together. I particularly note the $17 billion in CDBG funds. Those are flexible funds that will help people such as Mary and Diane so they can get their lives back together.

I also wish to point out how important the mitigation funds are that are in the supplemental appropriations bill. That will allow us to build to prevent this type of damage in the future. For those who may question the feasibility of this type of investment, let me point to one in Maryland: Assateague Island. We widened and put more beach down on Assateague Island. It was kind of pricey, many people thought, but it acted as a buffer for Sandy coming in and causing more damage in Ocean City. Literally millions of dollars were saved because of Assateague Island acting as a bumper to the storm. Mitigation is important, and we should invest in mitigation.

The next step should be the passage of the supplemental appropriations bill. I have heard many of my colleagues come to the floor who represent States that are directly affected. I have listened as my colleagues around the Nation have talked about disasters in their communities, and we have always come together as a nation. I know we are in the last days of this legislative session. I just urge my colleagues to let us move this bill forward now. Let's get it done so the Federal Government can be there to help the communities that have been affected by this storm. It is the right thing to do, and I hope my colleagues will support that effort.

I yield the floor.

## EXECUTIVE SESSION

## NOMINATIONS OF FERNANDO M. OLGUIN TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND THOMAS M. DURKIN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California and Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, originally we were planning to vote at 5:30 p.m. The distinguished ranking member has no objection. I ask unanimous consent that the time be divided between now and 5:30 p.m. in the normal fashion and the votes be at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, so Senators will know, it is my understanding that the first vote, on the confirmation of Fernando Olguin, of California, will be a voice vote, and the second one for Mr. Durkin will be a rollcall vote, which is what I understand from the Senator from Iowa, which, of course, is perfectly acceptable to the Democratic side.

Mr. LEAHY. Mr. President, today the Senate is finally being allowed to vote to confirm two consensus judicial nominees who should have been voted on months ago. Both Judge Fernando Olguin and Thomas Durkin were voted out of the Judiciary Committee before the August recess. Both will finally fill judicial emergency vacancies in the Central District of California and the Northern District of Illinois that were needlessly held vacant since this summer by partisan delay tactics. Their service to the American people has been unnecessarily delayed by over four months.

In the Central District of California, there are over 12,000 cases pending before its judges, and in the Northern District of Illinois there are close to 11,000 cases pending before its judges. Every single judge in each district has approximately 450 or more cases pending on their dockets. This enormous backlog of cases exists in many of our Federal courts in this country and it means that the American people are not able to receive speedy justice.

More than twice the number of judicial vacancies exists compared to the vacancies left at the end of President Bush's first term. The Senate should be voting on all 16 of the judicial nominees reported to the Senate by the Judiciary Committee. I have also been urging Republicans to expedite consideration of the four judicial nominees who participated in hearings last Wednesday. That would lead to 20 more confirmations before the Senate adjourns later this month.

Historically, the Senate has confirmed hundreds of judicial nominees within 14 days of their Judiciary Committee hearings, including more than 600 confirmed since World War II within just one week of their hearings. In contrast, obstruction by Senate Republicans has caused President Obama's district court nominees to wait an average of 103 days for a Senate vote after being reported by the Judiciary Committee, which Committee consideration has itself often been delayed 30 days or more after their hearings. This destructive practice of delaying for no good reason should be abandoned.

Republican filibusters and pocket filibusters are also preventing votes on circuit court nominees who should be confirmed by consensus before the Senate adjourns for the year. For example, one of the nominations Senate Republicans are holding up is that of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who they filibustered earlier this year. Senator COBURN, one of his home state Senators, said: ''He has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed.'' That also applies to Richard Taranto, who was reported more than eight months ago to a vacancy on the Federal Circuit. That applies to William Kayatta of Maine, who was reported nearly eight months ago and has the support of his two home state Republican Senators.

After today's votes, there will still be nine judicial nominees stalled on the Senate Executive Calendar who were reported before the August recess, and who should have been confirmed months ago. Most are consensus nominees. All have the support of both their home state Senators, including their home state Republican Senators. The Senate should be voting to confirm all these nominees before the Senate adjourns for the year.

When George W. Bush was President, Senate Democrats cooperated in moving judicial nominees quickly through the Committee and to a confirmation vote at the end of the year. I did so whether I was Chairman or the ranking member. By way of example, in 2008 we confirmed five of President Bush's nominees just three days after their hearing. We have often been able to do this at the end of a Congress, and this year should be no exception especially given the high level of judicial vacancies plaguing our Federal courts.

Judge Fernando Olguin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California, where he has

been serving as a Magistrate Judge for over a decade. He was the first Latino-American to serve as a Magistrate Judge in that District. Prior to that, Judge Olguin was in private practice for several years and also served as a Trial Attorney at the Civil Rights Division of the U.S. Department of Justice. He earned his law degree from the University of California at Berkley. After law school, he clerked for the Honorable C.A. Muecke of the U.S. District Court for the District of Arizona. His nomination has the support of both his home state Senators. Judge Olguin was approved by the Judiciary Committee nearly five months ago by voice vote.

Thomas Durkin is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Northern District of Illinois. Currently a partner at the Chicago office of Mayer Brown LLP, he also served as a Federal prosecutor in the Northern District of Illinois for 13 years. During his time as a Federal prosecutor, he rose to become the Chief of the Criminal Receiving and Appellate Division as well as the Chief of the Special Prosecutions Division. From 1991 to 1993, he served as the First Assistant United States Attorney of that District. Upon graduation from law school, he served as a law clerk for the Honorable Stanley J. Roszkowski of the U.S. District Court for the Northern District of Illinois. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of ''Well Qualified.'' His nomination has the bipartisan support of his home state Senators. He was approved by the Judiciary Committee more than four months ago by voice vote.

The Senate should finally confirm these two nominees today and proceed to vote on all the other judicial nominees stalled on the Senate Executive Calendar. We can fill 10 more judicial emergency vacancies before adjourning this year. We can help our Federal courts uphold their constitutional responsibility to provide speedy justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, would it be appropriate if I ask for a rollcall vote on Judge Durkin?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I will not use my entire time. If anybody else wants to speak, there will be time between now and 5:30 to speak. I think both these nominees will be approved overwhelmingly; obviously, the one with the voice vote probably will be, and I think the other one will be as well.

Today, the Senate turns to the confirmation of these two U.S. district judges.

NEWTOWN, CONNECTICUT TRAGEDY

Before I address that issue, I express my condolences to the victims and families in Newtown, CT. As a nation, we join to express our grief and to offer support and comfort to this community. Our thoughts and prayers are with the families who have suffered from this senseless act.

From time to time I have given my colleagues an update regarding the facts of judicial confirmations. Despite our steady progress on confirmations, we continue to hear complaints from bar associations, interest groups, editorial boards, and even some fellow Senators. Of course, these are the same groups that remained silent or at the time cheered on the efforts to block judicial nominees of the previous President. Multiple filibusters, failure to hold hearings, pocket filibusters of one sort or another, and other tactics of delay and obstruction were routinely used against President Bush's nominees. By the end of his Presidency, President Bush had 53 nominees who were not confirmed. That is nearly one out of every seven who were blocked. Somehow that history seems to have faded.

Today we continue to confirm this President's nominees, even in a lameduck Presidential election year. As I have stated before, the Senate rarely confirms judicial nominees during lameduck sessions in a Presidential election year. It did so in a very limited fashion in 1944, 1980, and the year 2004.

The last time a President was reelected—President Bush in 2004—only three judicial nominees were confirmed following the 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. Today President Obama will have 10 confirmations in this lameduck session, and obviously a lameduck session in a Presidential election year.

This is a new record. No other President can claim that success. So for those who say this President is being treated differently, I must agree. President Obama will have the most post-election judicial confirmations of any President.

This year has been a productive year for judicial confirmations. We have already confirmed 39 district judges and 5 circuit judges. Today's vote meets or exceeds the confirmations for Presidential election years in recent memory. During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and 4 circuit. This Presidential election year we have exceeded those numbers. We have confirmed 5 circuit nominees, and these confirmations will bring the district confirmations to 41. That is a total of 46 judges this year versus 28 in the last Presidential election year. In fact, going back to 1984, there has been only one Presidential election year in which more district judges were confirmed.

Let me emphasize that point. In only one of the past Presidential elections have more district nominees been confirmed. During this Congress, the 112th, we have confirmed 106 judges. That is the third highest total for any Congress going back to 1989 or, in other words, the past 12 Congresses. In total, the Senate has confirmed 168 district and circuit nominees during this President's first term. So I think by any objective measure one would have to conclude we are treating this President and his nominees quite fairly.

I stated at the beginning of my remarks, I expect these nominees to be fairly noncontroversial or totally noncontroversial. I intend to support them.

Today we vote on the nomination of Fernando M. Olguin, to be United States District Judge for the Central District of California and Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois.

After graduating from University of California Berkeley School of Law in 1989, Judge Olguin clerked for the Honorable C.A. Muecke, U.S. District Court Judge for the District of Arizona. In 1991, Judge Olguin began working as a trial attorney in the Civil Rights Division of the United States Department of Justice. There he prosecuted violations of the Fair Housing Act and the Public Accommodations Act.

From 1995 to 2001, Judge Olguin was a partner at Traber, Voorhees & Olguin, where he litigated housing and employment cases on behalf of underprivileged clients. Since 2001 he has served as a United States Magistrate Judge for the Central District of California.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a rating of Substantial Majority Qualified, Minority Not Qualified.

Mr. Durkin received his B.S. with honors from University of Illinois at Champaign-Urbana in 1975 and his J.D. with honors from DePaul University College of Law in 1978. Upon graduation, he clerked for Stanley J. Roszkowski, United States District Court Judge for the Northern District of Illinois. After his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois. There, he handled a variety of cases, including bank robbery, postal theft, narcotics, immigration cases, firearms cases, commodities, securities and tax fraud, and political corruption. Mr. Durkin also held a number of supervisory roles in the office, including Deputy Chief of Special Prosecutions, Chief of the Criminal Receiving and Appellate Division, Chief of the Special

Prosecutions Division, and First Assistant United States Attorney.

In 1993, Mr. Durkin joined Mayer Brown and focused on white collar criminal defense, internal investigations, patent litigation, securities litigation, civil rights litigation, consumer class action litigation, and product liability litigation. According to his questionnaire, Mr. Durkin has exclusively been a litigator and has frequently been in court his entire career. He estimates that he has tried approximately 95 cases to verdict.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous Well Qualified rating.

I support these nominees and congratulate them on their votes for confirmation.

Mr. DURBIN. Mr. President, pending on the Senate calendar today for consideration is the nomination of Tom Durkin to serve on the U.S. District Court for the Northern District Court of Illinois.

Tom Durkin is a consensus bipartisan nominee. Senator KIRK and I strongly support his nomination. We believe he has all of the necessary attributes to be an effective Federal judge. Our view was shared by bipartisan screening committees in Illinois. Senator KIRK's committee, and my own committee, recommended Tom Durkin.

It is no secret that he has the qualifications, independence, and integrity to serve in a distinguished manner on the bench. The nonpartisan American Bar Association has awarded Mr. Durkin its highest rating of unanimously well-qualified.

Throughout his career Tom Durkin has demonstrated strong leadership in his community and a solid commitment to public service.

A native of Chicago, Tom received his bachelor's degree with honors from the University of Illinois at Urbana-Champaign, and received his J.D. with honors from DePaul University College of Law. After graduating from law school, he served for 2 years as law clerk to the Honorable Stanley J. Roszkowski, a personal friend of mine, and an excellent judge for the District Court for the Northern District of Illinois.

Following his clerkship, Mr. Durkin joined the U.S. Attorney's Office for the Northern District of Illinois where he worked for 13 years and served in numerous leadership positions, including first assistant U.S. attorney. He joined the law firm of Mayer Brown as a partner in 1993 where he works to this day. His practice concentrates on complex commercial litigation and criminal defense. He has received numerous awards, including listings in ''The Best Lawyers in America'' and ''Illinois Super Lawyers.''

Mr. Durkin also has an impressive record of community service. He served for 9 years on the board of Legal Assistance Foundation in Chicago, and for nearly a decade he was the chair of Mayer Brown's pro bono committee. He has also taught as an adjunct professor of law at DePaul and at the John Marshall Law School.

Tom Durkin was reported out of the Judiciary Committee by a unanimous vote on August 2, 4½ months ago. I am relieved we are finally moving ahead with his confirmation. This vacancy, incidentally, has been declared a judicial emergency, and I am glad it is now going to be filled.

In closing, I wish to note that he comes from an extraordinary family, well known throughout Chicago, and especially in legal circles. There is only one black sheep in the family; it is Tom's brother, Jim, a Republican State representative who ran against me for the Senate in 2002 the famous Durkin-Durbin race in Illinois. But we ended that race friends. I have great respect for Jim and Tom Durkin and for their whole family.

I wish Tom Durkin the very best and commend his nomination to my colleagues. I believe he will be an excellent Federal court judge and I am glad he and several other Federal district court nominees are going to be confirmed this week.

• Mr. KIRK. Mr. President, I offer my strong support for Thomas Durkin to fill one of the four vacancies on the U.S. District Court in the Northern District of Illinois.

Because of his outstanding experience and record of public service, I submitted Thomas Durkin's candidacy to the White House in July 2011, following the recommendation of my nonpartisan Judicial Review Commission. Senator DURBIN had previously forwarded Mr. Durkin's name to President Obama in 2009, based on the recommendation of his screening committee.

The judgeship for which Mr. Durkin has been nominated is considered a ''judicial emergency'' by the Judicial Conference of the United States. Confirmation of this qualified nominee will ease the backlog of cases and allow the dispensation of justice in a fair and timely manner.

I thank Senator DURBIN for his leadership, and I urge my colleagues to support this bipartisan nomination and confirm Mr. Durkin to the Federal bench.•

Mrs. FEINSTEIN. Mr. President, I wish to express my strong support for the nomination of Fernando Olguin, whom I recommended to President Obama to be a U.S. District Judge for the Central District of California after he earned a strong recommendation from my bipartisan judicial selection committee.

Born and raised in the greater Los Angeles community of Azusa, Judge Olguin lives in the Los Angeles area today.

He is a graduate of Harvard University and the University of California, Berkeley School of Law.

After serving for 2 years as a law clerk to a Federal district court judge in Arizona, Judge Olguin joined the U.S. Department of Justice through the Attorney General's Honors Program.

From 1991 through 1994, Judge Olguin served as a trial attorney in the Civil Rights Division in Washington, DC, enforcing numerous Federal statutes, including the Fair Housing Act and the Public Accommodations Act.

He then joined the Mexican-American Legal Defense and Education Fund, or MALDEF, serving as its national education program director from 1994 to 1995 in Washington, DC.

Judge Olguin then came back to California, becoming a partner at the law firm Traber, Voorhees, and Olguin, where he practiced civil litigation from 1995 to 2001.

He was appointed to serve as a magistrate judge in 2001, where he has built a stellar record. In his 11 years on the bench, he has managed a docket of hundreds of cases at a time and issued hundreds of published opinions, as well as nearly 2,000 decisions and orders.

In 2011, he had the best record of any magistrate judge on the court at working with litigants to settle their disputes. This is very important in a busy district like the Central District, whose judges carry the seventh-highest civil caseload in the Nation.

Judge Olguin is well respected in the L.A. community, and he is supported by the law enforcement community including L.A.P.D. Chief Charlie Beck, L.A. County Sheriff Lee Baca, and the Los Angeles Police Protective League.

Chief Beck says Judge Olguin's record ''has been characterized by fairness, thoroughness, sound judgment, and evenness of temperament.''

In short, Judge Olguin is well-qualified, seasoned, and fair. I am very proud to support him, and I urge my colleagues to support him as well.

I also want to urge the confirmations of other judicial nominees from my home State, many of which have been pending on the executive calendar for months.

Including Judge Olguin, four of the 13 District Court nominees on the executive calendar are from California. The other nominees are: Superior Court Judge Jon Tigar and Bill Orrick, nominees to the Northern District recommended by Senator BOXER; and Superior Court Judge Troy Nunley, a nominee to the Eastern District whom I recommended to the President.

All three were approved by bipartisan votes in the Judiciary Committee, two of them by voice vote.

Each of these districts is in a judicial emergency according to the Judicial Conference of the United States.

The Northern District's caseload is over 20 percent above the national average. It now takes over 50 percent longer for a case to go to trial than it did a year ago in the Northern District, which hears some of our country's most complex technology cases.

The Eastern District is the most overworked district in the Nation by far. With over 1,100 weighted filings per

judgeship, its caseload is over twice the national average.

With this extreme crisis, I especially urge my colleagues on the other side of the aisle to allow Judge Troy Nunley to be confirmed this year.

Judge Nunley essentially was a career prosecutor and State Department of Justice lawyer before joining the State bench over 10 years ago. He is highly qualified and experienced. He also earned unanimous support in the Judiciary Committee, so he is uncontroversial.

I am very pleased we recently confirmed Jesus Bernal to the Central District, and I urge my colleagues to support Judge Olguin as well.

My State—more than any other—urgently needs us to take prompt action on judicial nominees. I am pleased with the progress we have made in the lame-duck, and I very much hope the three other California nominees who remain on the calendar will be confirmed.

Mrs. BOXER. Mr. President, I am proud to offer my support for the confirmation of Magistrate Judge Fernando M. Olguin to the U.S. district court for the Central District of California.

Judge Olguin was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to California's Central District.

Judge Olguin will bring to the bench his broad experience as a skilled lawyer and a Federal magistrate. A graduate of Harvard University and the University of California, Berkeley School of Law, Judge Olguin worked from 1995 to 2001 as a partner for the law firm of Traber, Voorhees, and Olguin. In 2001, he received an appointment to become a magistrate judge in the Central District of California, where he has served with great distinction.

I urge my colleagues to support the Olguin nomination.

Mr. GRASSLEY. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

PASSING OF SENATOR INOUYE

Mr. REID. Mr. President, I rise with a real heavy heart. Our friend, DAN INOUYE, just died.

I have never known anyone like DAN INOUYE. No one else has. The kindness he has shown me during my time here in the Senate is something I will cherish always. He was a man who has lived and breathed the Senate. If there were ever a patriot, DAN INOUYE was that patriot.

A week ago last Friday he and I spent some time together in his office, just the two of us alone. We spent an hour together, and we ended the meeting with both of us saying: You know, we need to do this again. Well, I won't be able to do that again. He won't be able to do that again.

He was a wonderful Senator, brave soldier, a recipient of the Medal of Honor, the Distinguished Service Cross, the Bronze Star, and Purple Heart. He left an arm in Italy. He said to me at that last meeting together, when I asked him: DAN, did anything else happen to you, other than your arm? He said: Yeah, I got shot in the gut—that is what he said—and the leg a couple of times.

We will all miss him, and that is a gross understatement. I wish I were capable of saying more, but that is all I can say. I have talked to his wife Irene. She is there, with his son. We have known for a few hours this wasn't working out well for Senator INOUYE. But he was certainly one of the giants of the Senate.

I remember what he said when his son asked why he fought the way he did after having been declared an enemy alien. He said he did it for the children. That was Senator INOUYE. His commitment to our Nation will never be surpassed. His service in the Senate will be with the greats of this body.

Now I should ask my friend if he wishes to speak upon this issue. It would be my hope the two votes that are scheduled could both be done—these judges—by voice vote. I don't think it is appropriate to record a vote at this time.

Mr. President, I ask unanimous consent that the two judges be approved by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think we all, at a subsequent time—I just talked to his wife and walked out here—will have some more formal remarks.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I too am going to address the remarkable life of Senator INOUYE at a later time, but I did want to make some observations here for a few moments at the time of his passing.

Senator INOUYE was a man who, as we all know, rarely called attention to himself but who lived a remarkable American life filled with the dignity and grace of the true hero he was.

He was only 17 when he heard the sirens over Honolulu and saw the great planes flying overhead. At the time he dreamed of being a surgeon. A few years later a medic would be taking care of him after his heroic action in the Italian mountains, for which he would one day receive our Nation's most prestigious award for military valor.

DAN INOUYE's dream of being a surgeon was not realized but there were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

An iconic political figure of his beloved Hawaii, and the only original member of the congressional delegation still serving in Congress, he was a man who had every reason to call attention to himself but who never did.

He was the kind of man, in short, that America has always been grateful to have, especially in our darkest hours—men who lead by example and who expect nothing in return.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I didn't mention, and I should have, but I really have been waiting the last hour or so to make sure it was okay with his wife that I come and say something, so I haven't had time to do much other than feel bad about Senator INOUYE.

As I indicated, I talked to Irene. I wasn't able to talk to Ken, but I did talk to Irene. I want to make sure everyone understands the depth of my feelings—and I know I am speaking for the entire Senate. DAN INOUYE believed in me, even more than I believed in myself. Many, many years ago—a couple of decades ago—he said: You know, you're going to do great things in the Senate, and he always talked about my leading the Senate. And he always came and said: You did the right thing. He would always tell you that you would do the right thing.

The chapter of DAN INOUYE in the Senate is something that is remarkable, not only his military record but what he did with the defense aspects of our country, the security aspects of our country. And there was no one more bipartisan than Senator INOUYE.

He has a brother who lives in Las Vegas, and a wonderful person he is, but he was as close to Ted Stevens as he was to any person could be to a brother. They were brothers. They called themselves brothers. So he set an example always about bipartisanship, about working with others. And as far as being a good member of our caucus, no one was better than he was.

No one has been a better American than Senator INOUYE. And when we talk about people in Hawaii and who they revere, it is Senator INOUYE. The State of Hawaii is going through a great deal at this time. Senator AKAKA has announced his retirement, and now the death of Senator INOUYE.

On behalf of all Senators, I express my appreciation for his service and his friendship.

Mr. President, 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.

The PRESIDING OFFICER (Mrs. HAGAN). The majority leader.

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

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

VOTE ON NOMINATION OF THOMAS M. DURKIN

The PRESIDING OFFICER. Under the previous order, the question is, Will

the Senate advise and consent to the nomination of Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois?

The nomination was confirmed.

VOTE ON NOMINATION OF FERNANDO M. OLGUIN

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous, the Senate will resume legislative session.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

## INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Madam President, I rise today in recognition of International Human Rights Day. Sixty-four years ago this past Monday, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This declaration enunciates a doctrine that serves as a foundation for human rights initiatives internationally and as an enduring guide for human rights advocates around the globe.

On this annual celebration of International Human Rights Day, human rights defenders, champions of democracy, promoters of civil rights, and advocates of free speech across the globe can also be encouraged by Congress's recent passage of landmark human rights legislation. Last week, the Senate passed the Sergei Magnitsky Rule of Law Accountability Act, which the House passed in September in conjunction with approving permanent normal trade relations for Russia.

The Magnitsky Act was inspired by the tragic case of Sergei Magnitsky, a 37-year-old Russian lawyer who uncovered massive corruption in Russia and then was arrested for his whistleblowing. Magnitsky died in 2009 after suffering torturous conditions in pretrial detention. Those implicated in the corruption Magnitsky exposed and those responsible for his torture and death have not been brought to justice, and some have even been decorated and promoted. The Magnitsky Act goes beyond the specific violators in this case to prohibit all gross violators of human rights in Russia from traveling to the United States and from using our financial system.

President Obama is now poised to reaffirm our Nation's commitment to universal human rights by signing the Magnitsky Act into law. With the stroke of a pen, the President will set a new global standard that other nations are sure to follow. The act sets a precedent that can be applied to human rights abusers around the world, and I am committed to working with my colleagues in the next Congress to apply the Magnitsky sanctions globally. Human rights violators from Kinshasa to Beijing are now on notice that the United States stands in solidarity with those whose rights are trampled and will deny the legitimizing privileges of travelling to our country and accessing our financial system to those who violate fundamental freedoms.

The United States remains the global leader in promoting and protecting human rights, but we need to do more. We need to ensure that women across the world have the liberty to determine the course and scope of their own lives and futures and that they have the tools to achieve their full potential. The horrific and cowardly attempt by assassins to silence the brave leadership of 15-year-old Malala Yousufzai must not be left unchallenged. We must take up her cause—the education of girls and women—and support both that goal and its advocates, and we must redouble our efforts to protect the rights of ethnic, linguistic, and religious minorities, from the Christians in Egypt to the Roma population in Europe.

As the legendary Nobel laureate Elie Wiesel has said, ''Wherever men and women are persecuted because of their race, religion, or political views, that place must—at that moment—become the center of the universe.'' This International Human Rights Day, the U.S. Congress sends a strong message to human rights defenders around the world that we stand in solidarity with them as they dare to stand up to injustice and oppression.

## RECOGNIZING CHOBANI YOGURT

Mr. RISCH. Madam President, my colleague, Senator MIKE CRAPO, joins me in recognizing the opening this month of the Chobani Yogurt production facility in Twin Falls, ID.

This facility, Chobani's first in Idaho, will be capable of producing 4.2 million cases of yogurt per week at full capacity. All of the milk used to produce the yogurt will come from Idaho dairy farms and at the peak of production will use millions of pounds of milk a day.

The 950,000-square-foot production facility was constructed by more than 1,000 workers and will employ between 400 and 500 people next year. More than 300 new jobs have already been created in Twin Falls. It was built at a cost of $450 million and is now the largest yogurt plant in the world.

From its founding in 2005, the Chobani company started with 5 employees and now has more than 1,800 employees worldwide, with more than 1,600 in the United States. Their founder and CEO, Hamdi Ulukaya, is an American success story, having immigrated to the United States from Turkey in 1994.

Like many businesses in Idaho, Chobani will be involved in local charitable work. Chobani's biggest impact, however, will be in providing well-paying jobs and economic growth through manufacturing a delicious and healthy product available throughout the country.

Chobani recognized the many benefits to locating in Idaho—among them the quality milk produced by our Idaho dairy families, a commonsense regulatory environment and hard-working Idahoans who will make the facility a great success.

Senator CRAPO and I also recognize the many entities that worked with Chobani to make their opening a reality. Elected officials from Twin Falls County and the City of Twin Falls worked tirelessly on the project, as did the Southern Idaho Economic Development Organization. The Twin Falls Chamber of Commerce and the Twin Falls Urban Renewal District also played a major role in the effort. The State of Idaho and its Department of Commerce helped in the process, and the end result is not only the direct jobs at Chobani, but also a multiplier effect of more than 3,000 additional jobs in the State.

Today, we congratulate Chobani on the opening of their new plant and salute all of the partners and community leaders on a job well done. We welcome Chobani to the great State of Idaho.

## ADDITIONAL STATEMENTS

### REMEMBERING CARMEN WARSCHAW

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring Carmen Harvey Warschaw, the great California philanthropist and political leader who died at age 95 on election day, a week after she had made sure to vote by mail. Carmen was a trusted mentor, adviser, and dear friend to me, and I will miss her.

Carmen Harvey was born in Los Angeles in 1917. Her parents had immigrated to America from Lithuania, and her father founded the Harvey Aluminum Company. Carmen grew up in La Cañada, graduated from the University of Southern California, and married Louis Warschaw, her high school sweetheart.

From an early age, both Carmen and Lou were active in the California Democratic Party. Throughout the

years, Carmen worked tirelessly to elect Democrats at the local, State, and national level. She attended every Democratic National Convention from 1948 to 2008, many as a delegate. In the mid sixties she served as the party's Southern California chairwoman, was a member of the Democratic National Committee, the first woman to chair the California Fair Employment Practices Commission, and a board member of California's coastal and fair housing commissions.

Carmen's passion for politics was equaled by her compassion and philanthropy. She was an active member of many organizations, including the Los Angeles Music Center, the Truman Library Institute, the Jewish Federation of Greater Los Angeles, and the Women's Guild and Helping Hand of Los Angeles.

Carmen long served as a member of the board of directors at Cedars-Sinai, where she endowed medical and research chairs and founded the PROs, which funds the Louis Warschaw Prostate Cancer Center. Two years ago, at age 93, Carmen joined me on a tour of the Cedars-Sinai Emergency Room and Operating Room; I remember joking that she was the only person I knew who could get me to put on scrubs.

Carmen was also very generous to her alma mater, USC, where she and Lou helped to establish the Casden Institute for the Study of the Jewish Role in American Life and the Jesse M. Unruh Institute of Politics at USC. In 2003, Carmen endowed a chair in practical politics at the Unruh Institute so that students could learn about the nuts and bolts of politics as part of their political science education.

This world and Carmen's beloved State of California are much better places thanks to her passion, compassion, and commitment. On behalf of the people of California, I send my deepest gratitude and condolences to her daughters, Hope and Susan; her sons-in-law, John Law and Carl Robertson; her grandchildren, Jack Law-Warschaw, Cara Robertson, and Chip Robertson; and her great-grandchildren and many friends. We will all miss this dynamic force of nature and extraordinary woman.●

## REMEMBERING PETER N. LETANG

● Mr. COONS. Madam President, I wish to honor the life and legacy of Peter N. Letang, Esq. For over 40 years, Mr. Letang was a prosecutor for the State of Delaware, a pioneer for justice who was respected and beloved by all those who had the pleasure to know him. Mr. Letang's courtroom achievements are numerous, from being instrumental in the State's first use of DNA for conviction, to handling many of the State's most highly publicized cases.

Peter was a Delaware legal powerhouse, but his courtroom achievements are only part of the man he was. He was a great friend, a tremendous storyteller and a warm and wonderful human being. It is my privilege to honor his achievements, his spirit and the tremendous impact he had on the State of Delaware.

Peter believed in our justice system, and he devoted his life to ensuring it worked for all Delawareans. Day in and day out, he approached every case with a positive attitude and a willingness to help. He took tremendous pride in his work and earned the respect of his peers through his long career as a deputy attorney general with the Delaware Department of Justice and chief New Castle county prosecutor.

Our thoughts are with the entire Letang family, including his wife Debra, their children Nick and Samantha, his sister Lisa and his nieces and nephews Carson, Cooper and Cutter. The State of Delaware lost a great citizen in Peter Letang, but his legacy will long be remembered.●

## REMEMBERING ROMEO BARRERAS

● Mr. HELLER. Madam President, today I wish to honor the life of Pvt. Romeo Barreras, a Nevadan and Filipino-American World War II veteran, whose recent passing is a devastating loss to the Silver State. As a member of the ''Mighty Five,'' a group of veterans living in Las Vegas, Pvt. Romeo Barreras helped lead the fight to provide proper military recognition and compensation for nearly 24,000 Filipino World War II veterans. I am grateful for his service to defend democracy around the world and will continue to do everything within my power to ensure that Filipino veterans are honored for their sacrifices.

Pvt. Romeo Barreras fought bravely for our country and yet was not able to qualify for the military benefits he earned and deserved. That is why I introduced the Filipino Veterans Fairness Act, to establish a process for Filipinos who have fought alongside the U.S. military during World War II to work with military historians to determine eligibility for military benefits. We have a responsibility to ensure that individuals who served honorably alongside U.S. troops are recognized for their contributions to our Nation.

I am humbled to have known Pvt. Romeo Barreras. It was a privilege to work with him on behalf of all Filipino American World War II veterans. My thoughts and prayers go out to his family during this difficult time.

In memory of Pvt. Romeo Barreras, I will continue fighting to ensure that veterans and their families are properly thanked for their sacrifices. Today, I ask my colleagues to join me in remembering the life of an honorable man who was dedicated to providing justice for deserving veterans.●

## TRIBUTE TO LIEUTENANT COLONEL KEVIN K. CALLIES

● Madam JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to LTC Kevin K. Callies, upon his retirement from the South Dakota Air National Guard. Lieutenant Colonel Callies has served as the financial manager for the 114th Fighter Wing in Sioux Falls, SD, since 2003. His career with the South Dakota Air National Guard has spanned a period of over 30 years.

Lieutenant Colonel Callies began his career in the South Dakota Air National Guard in 1977 as a traditional guardsman in personnel. In 1978, he transitioned to finance, where he would spend most of his career. In 1988, while working full time, he earned a bachelor of science in business administration from National College, now known as National American University. After almost 17 years of enlisted service, he received his commission through the Academy of Military Science in 1993.

Lieutenant Colonel Callies excelled in the field of finance, with positions in civilian pay, military pay, accounting, and budget. His superior knowledge of financial management has earned him numerous awards locally and nationally. In both 1997 and 2004, Lieutenant Colonel Callies's unit, the 114th Fighter Wing, was named Air National Guard Financial Management and Comptroller Office of the year. As one of the best financial managers in the Air National Guard, the National Guard Bureau and the Pentagon have sought out his expertise.

He served as a member of the Resource Protection Team, RPT, and held the position of commander from 1993 to 2002. While on the RPT he dealt with security issues related to the September 11 attacks, visits by the President, and forest fires. In 2002, Lieutenant Colonel Callies accepted a position as logistics manager, where he was in charge of all the activation activities, expeditionary combat support, and deployment functions of the 114th Fighter Wing during their deployment to Turkey to support Operation Northern Watch. After serving as logistics manager, he returned to finance and in 2010 was deployed to Haiti to assist with a Joint Command financial management mission with the U.S. Army.

It is an honor for me to share Lieutenant Colonel Callies's accomplishments with my colleagues and publicly commend him for his hard work and the many years of dedicated service he has given the South Dakota Air National Guard and our Nation. I wish Kevin a happy and healthy retirement with his wife Joyce and their four children.●

## TRIBUTE TO GENERAL TARBET

● Mr. LEE. Madam President, today I wish to honor one of Utah's finest, MG Brian Tarbet, the Adjutant General of the Utah National Guard. After 12 years of leadership with the Utah National Guard and 39 years of highly decorated service in the United States Military, General Tarbet is retiring, closing a transformative chapter in Utah's history.

General Tarbet's military career began in the U.S. Army Reserve in 1973, where he served on active duty until 1975 and then joined the Army National Guard in 1976. From 1976 he served in the 142nd Military Intelligence Battalion and was then appointed Commander of the 300th Military Intelligence Linguist Brigade in 1993. He led the 97th Troop Command in 1996 and from September of 2001 he directed the mobilization, deployment and redeployment of virtually all units of the Utah Army and Air National Guard in support of the Global War on Terrorism. The Utah National Guard has units that specialize in intelligence, special forces and aviation which have been particularly important to the War on Terrorism, and in 2003–2004, 80 percent of Utah's reserve units were mobilized or on alert, which was among the highest in the National Guard. The Guard also provided assistance in the gulf coast in 2005 to the victims of hurricanes Rita and Katrina and to the U.S.-Mexico border in support of Customs and Border protection operations.

General Tarbet's awards and achievements include the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Military Outstanding Volunteer Service Medal, Armed Forces Reserve Medal, the Army Service Ribbon, the Army Reserve Components Overseas Training Ribbon, Utah Medal of Merit, Utah Joint Commendation Medal, Utah Achievement Ribbon, Utah Joint Staff Service Ribbon, Utah State Partnership Program Service Ribbon, Utah Service Ribbon, Utah Emergency Service Ribbon, and the 2002 Winter Olympic Games Service Ribbon.

In 2002, just months after the September 11th terrorist attacks, Salt Lake City was slated to host the Winter Olympic games. Security was a tremendous concern with talk of cancelling the games altogether. With the entire nation on high alert, General Tarbet commanded 4,500 National Guardsmen from 25 States in the security operation. The games were a tremendous success, and the security was lauded for its effectiveness and unobtrusiveness. The games served as a triumphant American moment at a time when the nation needed it most.

The good will of the Utah National Guard extends far beyond the borders of our own State, and guided the men and women of the Guard to places where their service was needed most. Winston Churchill said, ''The price of greatness is responsibility.'' General Tarbet has seen more than his fair share of difficult tasks and responsibilities and has performed each admirably. I believe every soldier who has had the opportunity to serve under his charge would agree that he has been a leader of unprecedented character. The greatest commendation came from one of Tarbet's own soldiers, who said, ''Major General Tarbet is loved by his soldiers. He has served us with impeccable integrity, courage and common sense during a very tumultuous and unprecedented time.'' Sharon and I thank Major General Tarbet for his service and wish him and his wife Mary all the best as they enter the next chapter of their lives.●

## REMEMBERING WARREN E. BRITCHER

● Mr. MENENDEZ. Madam President, on December 10 of this year Mr. Warren E. Britcher, a veteran of World War II and former manager of the Senate restaurant, passed away at the age of 91.

Warren Britcher was born and raised in Springfield, OH. He proudly served in World War II as a T4 sergeant in the U.S. Army, eventually managing the kitchen of Fort McClellan, one of the largest Army installations during World War II. After serving in the Army, Warren went to work for Canteen Food Service, where he held various managerial assignments. In August of 1950, Warren came to Washington, DC, to serve as manager of the Senate restaurant, where he oversaw the inaugural luncheon of U.S. President Dwight D. Eisenhower. Afterward, he became the operations manager for Yankee Stadium Foods and Concessions before opening his own restaurant and catering establishment, Swiss Town House, in my hometown, Union City, NJ. He left his restaurant in 1977 to pursue a new position at Yonkers Raceway and later supervised the USS Intrepid Air and Space Museum food service. Prior to his retirement to Florida, he created Britcher Concession Corporation.

Warren was the devoted husband of the late Dorothy Mae Lighthiser Britcher and the father of Sherrie Ahrens, Drew Britcher, and the late Warren Britcher, Jr. He was the proud grandfather to four grandchildren, Douglas, Craig, Sean, and Caitlin Anne, and had four great grandchildren. He will be laid to rest at Ferncliff Cemetery in his hometown of Springfield, OH.

Warren's service to our Nation and his contributions to the food service industry will not be forgotten. My sympathies go out to Warren's two surviving children, Sherrie and Drew, and his grandchildren and great-grandchildren.●

## LOSS OF DR. MARSHALL LONDON

● Mr. SANDERS. Madam President, I rise today to take note of the death of a remarkable resident from my State of Vermont, Dr. Marshall London. Dr. London was one of the most prominent citizens in Burlington, VT. A deeply beloved physician, he was also a lifelong progressive and a liberal.

A native of Vermont, he attended the University of Vermont, where in 1948 he served as the campus organizer for the Progressive Party nominee for President, Henry Wallace. He served as a flight surgeon in the US Air Force from 1961–1963. In the late 1960s, Marshall London and his family volunteered in support of Caesar Chavez's United Farm workers. He provided medical services to migrant workers in Delano, CA.

In 1970 he returned to his native Burlington with his wife and children. A lifelong supporter of universal health care, Dr. London was committed to serving the underserved and the elderly. Not only did he make house calls, but in addition to his medical bag he regularly carried plumbing and electrical tools to make home repairs for his patients. In the early 1990s, Dr. London, as President of the Jewish Community Council of Burlington, worked to resettle émigrés from the former Soviet Union.

He never severed his ties to the UVM Medical School, where he continued to serve as a mentor and teacher at the Fletcher Allen Hospital, even after he retired in 1997.

In a time when corporate values have spread beyond business to such areas as education and health care, Marshall London serves an enduring example that there are other values which can guide human life. He was a caring physician, one who always charted his course by paying attention to those most in need, and always depending on an exemplary social conscience. He was dedicated to his family. And he did not restrict his life to work. Dr. London was an alto saxophone player in the Vermont Catamount Band and Burlington City Band. He was also an avid tennis player and skier. Like so many Vermonters—and he was a fifth-generation Vermonter—he was also a loyal Red Sox fan.

Dr. Marshall will be missed, though the example of his life and values will endure.

I ask that Dr. London's obituary be printed in the RECORD.

The obituary follows:

[From the Burlington Free Press, Dec. 13, 2012]

MARSHALL G. LONDON

BURLINGTON.—Marshall G. London, a fifth generation Burlingtonian, beloved family man and dedicated local physician who made house calls an integral part of his practice, died at home on Dec. 12, 2012. He was 83.

The grandson of a founding member of Burlington's first synagogue, Ahavath Gerim, Marshall was a featured participant in the recent Vermont Public Television documentary ''Little Jerusalem.''

He took pride in his local roots and Jewish heritage, and had an enduring passion for Jewish history, and a strong commitment to Israel.

He was born and raised in Burlington's Old North End. He graduated in 1951 from the University of Vermont, where he was president of the Tau Epsilon Phi Fraternity. Always staunchly liberal in his politics, Marshall was a campus organizer of the 1948 presidential campaign for Progressive Party candidate Henry Wallace.

He and Susanne (Sue) Abrams were married in 1953 and had six children.

Marshall began his medical career with an internship at the Mary Fletcher Hospital, followed by a residency at Mount Zion Hospital in San Francisco, Calif. Subsequently, he served as a flight surgeon in the U.S. Air Force in South Carolina. From 1961 to 1963, he completed a rheumatology fellowship at the Manchester Royal Infirmary in England, which included clinic visits across Europe. With children in tow, the London's camped in their VW bus from Lapland to Italy.

After returning to Burlington from England, they moved to California, where Marshall joined a private practice in Los Gatos. During this time, he volunteered in support of Cesar Chavez's United Farm Workers, providing medical service to migrant workers in Delano, Calif. In 1970, Marshall and his family again returned to Burlington, where he opened a private practice on Orchard Terrace.

A lifelong advocate of universal healthcare, he was committed to providing for the underserved and the elderly, and he volunteered as a mentor and teacher at the medical school for many years. He made house calls equipped with his medical bag, and sometimes with plumbing or electrical tools to assist with all manner of repairs.

He retired in 1997, but continued, even in recent months, attending Grand Rounds at the hospital and visiting former patients in their homes.

An alto saxophone player in the Vermont Catamount Band and Burlington City Band, he was also an avid tennis player, skier, and loyal Red Sox fan.

He and Sue traveled frequently, visiting Israel and often tent-camping in Newfoundland and Labrador. They made many friends in their travels, and their 19th-century home bustles year-round with family and friends old and new.

Like his parents and grandparents before him, Marshall was a devoted member of the Ohavi Zedek Synagogue for many years. He later joined Chabad of Vermont, where, closer to the traditional roots of his grandfathers, he found new spiritual and intellectual inspiration.

He is survived by his wife, Susanne; children, Rebecca and Aaron Goldberg of Burlington, Saul and Georgette London of Highland Park, N.J., Sara London and Dean Albarelli of Northampton, Mass., Naomi London of Burlington, Daniel and Andrea London of Evanston, Ill., and Rachel London and Matt Bohner of Brooklyn, N.Y.; foster daughter, Linda and Jim Nyema-Davies of Greensboro, N.C.; grandchildren and great-grandchildren, Dinah and Joshua; Jesse and Emily; Tamar and Isaac; Ilana and Jonny, and children, Maya, Nitzan and Yoav; Tova and Shmuel and daughters, Bracha and Tehila; Amalia and David, and son, Ruby; Ziva and Daniel, and son, Avromy; Jack, Matan, Yonah, Liora, Cooper and Cali.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## DISTRICT OF COLUMBIA'S FISCAL YEAR (FY) 2013 BUDGET AND FINANCIAL PLAN, RECEIVED DURING ADJOURNMENT OF THE SENATE ON DECEMBER 14, 2012—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

*To the Congress of the United States:*

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's fiscal year (FY) 2013 Budget and Financial Plan. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed FY 2013 Budget and Financial Plan reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2013, the District estimates total revenues and expenditures of $11.4 billion.

BARACK OBAMA.

THE WHITE HOUSE, *December 14, 2012*.

## MESSAGES 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. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MCKEON, BARTLETT, THORNBERRY, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, RIGELL, Mrs. HARTZLER, Mr. WEST, Mrs. ROBY, Messrs. SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. ROGERS of Michigan, NUNES, and RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of sections 541 and 561 of the House bill and sections 563 and 571–73 of the Senate amendment, and modifications committed to conference: Mr. PETRI, Mrs. NOEM, and Mr. SCOTT of Virginia.

From the Committee on Energy and Commerce, for consideration of sections 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and sections 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference: Messrs. WALDEN, WHITFIELD, and WAXMAN.

From the Committee on Financial Services, for consideration of section 661 of the House bill and sections 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference: Mrs. CAPITO, Messrs. HUIZENGA of Michigan, and PERLMUTTER.

From the Committee on Foreign Affairs, for consideration of sections 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, sections 3120, 3121, and 3123 of the House bill and sections 237, 342, 873, subtitle F of title VIII, sections 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, sections 1301, 1531, 1532, 1534, 3114 and 5023 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Messrs. ROYCE, and BERMAN.

From the Committee on Homeland Security, for consideration of section 1111 of the House bill and section 1803 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, Turner of New York, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and sections 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII and title LI of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, DANIEL E. LUNGREN of California, and CONYERS.

From the Committee on Natural Resources, for consideration of sections 316, 317, 601, 2841, 2846, and 2861 of the House bill and sections 271, 312, 1091, 1433, title XIX, and section 2842 of the Senate amendment, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of sections 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and sections 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference: Messrs. ISSA, WALBERG, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of sections 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and sections 271, 912, 1046, title XVIII, sections 3153, 3159 and 3504 of the Senate amendment, and modifications committed to conference: Mr. HALL, Mrs. BIGGERT, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of sections 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and sections 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Ms. HERRERA BEUTLER, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and sections 521, 1803, 1804, 3503–05, 3508, and 3509 of the Senate amendment, and modifications committed to conference: Messrs. MICA, COBLE, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of sections 355, 564, 565, 664, and 728 of the House bill and sections 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference: Messrs. BILIRAKIS, LAMBORN, and MICHAUD.

ENROLLED BILLS SIGNED

At 2:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. COONS).

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

The Secretary of the Senate reported that on December 14, 2012, she had presented to the President of the United States the following enrolled bills:

The Secretary of the Senate reported that on today, December 17, 2012, she had presented to the President of the United States the following enrolled bills:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 675. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 112–251).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 3684. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care coordination services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. KERRY:

S. 3686. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3687. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes; considered and passed.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 3688. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 619. A resolution to elect Patrick J. Leahy, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DURBIN):

S. Res. 620. A resolution to authorize Harry Reid, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to Patrick J. Leahy, a Senator from the State of Vermont; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 621. A resolution condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3633

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3633, a bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City.

S. 3678

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3678, a bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes.

S. RES. 439

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 439, a resolution expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. BARRASSO):

S. 3685. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce S. 3685, The Department of the Interior Tribal Self-Governance Act of 2012. I am proud to introduce this bill and I am thankful for the cosponsorship of my friend and colleague, the Vice Chairman of the Indian Affairs Committee, Senator BARRASSO. The Department of the Interior Tribal Self-Governance Act of 2012 is an important next step in our Federal policy of recognizing and supporting tribal self-governance.

Our country's Native peoples have always had the right to govern themselves. When the earliest explorers arrived in the New World, they recognized the sovereignty of the Native peoples they met. Soon after, European colonial nations began entering into treaties with Indian tribes as they expanded into the American continent. It is clear, from the terms of the Constitution, our Founding Fathers understood the sovereign authority of tribes, and their capacity to be self-governing. From our earliest days as a Nation, we entered into treaties with the Indian tribes, just as we did with a diversity of foreign nations, governing issues such as trade, peace, and other relations.

With our westward expansion, and as public sentiment and Federal policy objectives turned to Manifest Destiny during the 19th century, Federal policies toward our Country's first peoples changed, and the movement to remove and assimilate the Native peoples began. The United States, recognizing the sovereignty of tribes, again relied on treaties to facilitate the acquisition of native lands, and promised in exchange to provide for Indian health, education, welfare, and housing.

This change in Federal policy devastated Native peoples. It turned out that the Federal Government was not a very effective administrator of programs aimed at fulfilling our country's trust responsibility to its native peoples.

By the late 1960's and early 1970's Federal Indian policy shifted again to one that began to reaffirm the inherent right of Native peoples to govern themselves and fully support them in doing so. This policy became formalized by the enactment of the Indian Self-Determination and Education Assistance Act in 1975, which enabled tribes to contract with certain Federal agencies to provide federal programs to their tribal members and communities.

Subsequent legislation allowed tribes greater flexibility in designing and operating Indian 410 programs for tribes who have a demonstrated capacity. Currently, about 60 percent of tribes carry out self-governance compacts with either the Department of the Interior or the Indian Health Service, or both.

Federal reaffirmation and support of tribal sovereignty through self-governance programs has enabled tribes to generate revenues through their own business enterprises, establish their own courts and law enforcement systems, and remake school curricula to better meet the needs of Native students. Importantly, tribes have done this without forced assimilation to mainstream American traditions and norms. This Federal focus on self-determination and self-governance has proven to be the only Federal policy that has worked for Native communities. Studies show that self-determination policies have enabled Indian tribes to build strong economies, reverse decades of language loss, and tailor programs and services to better meet the needs of their people.

It is our responsibility to ensure that our policy of self-governance advances to meet the needs of native peoples. As Chairman of the Indian Affairs Committee, it has come to my attention that several relatively minor technical changes are needed to the underlying law to ensure the goals of our federal policy are realized. For instance, I understand that the administration of programs under both the Department of the Interior and the Indian Health Service can be unnecessarily cumbersome for tribes due to different requirements for each. At the Committee's hearing on the topic of Self-Determination and Self-Governance held in September, witnesses from the Administration and Native governments alike lauded the positive effects Self-Determination Era policies are having on Native communities and stressed the importance of amending the Indian Self-Determination and Education Assistance Act to ensure tribes can manage these programs efficiently. S. 3685 will streamline processes and make it simpler for tribes to manage programs to benefit their members. It has been developed after months of tribal consultation and has been a bi-partisan effort. In crafting this bill, we have been careful to ensure that none of its provisions will affect current law relating to contracting or compacting of non-BIA programs under the Indian Self-Determination and Education Assistance Act, or congressionally approved water settlements.

I encourage all of my colleagues to stand with me in support of this important legislative initiative.

Mr. BARRASSO. Mr. President, I rise to join my good friend, Senator AKAKA, in sponsoring the Department of the Interior Tribal Self-Governance Act of 2012.

Congress passed the Indian Self-Determination and Education Assistance Act in 1975 to set forth a new dynamic in the Federal-tribal relationship. Since then, we have seen many benefits for Indian communities as a result of the Federal Indian policy of self-determination in general and the Indian Self-Determination and Education Assistance Act in particular. Indian self-determination is one of the most successful, if not the most successful, Federal Indian policies in the history of our country's relations with Indian Country.

The Indian Self-Determination and Education Assistance Act was amended over 20 years ago to include the Self-Governance program. Self-Governance became a permanent program in the Department of the Interior in 1994, and it has been a resounding success. Now, as of 2012, hundreds of Indian tribes are participating in the Self-Governance program in one way or another.

It comes as no surprise to me, that the Indian tribes can administer these programs on behalf of their own people far better than the Federal government could ever hope to administer them.

Nevertheless, after some 18 years, the time has come for the self-governance program to be reviewed and improved. This bill is intended to provide ''key improvements to the way self-governance works in the Department of the Interior, improvements that have been studied, evaluated, discussed, and negotiated by the tribes and by the Department of the Interior.

During the course of this Congress, some issues did arise relating to the

self-governance program in Interior agencies other than the Bureau of Indian Affairs, in particular the Bureau of Reclamation. Indian tribal leaders and Senate staff have worked for many months to resolve those issues, and their efforts in that regard are incorporated into this bill. I believe the bill goes a long way in dealing with those issues, and the program will be better off as a result of these efforts.

I want to thank Senator AKAKA, the Chairman of the Indian Affairs Committee and with whom I have worked this past Congress as Vice Chairman, for his leadership on this bill which I support and on advancing initiatives that will improve the lives of Indian people.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 619—TO ELECT PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 619

Resolved, That Patrick J. Leahy, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

### SENATE RESOLUTION 620—TO AUTHORIZE HARRY REID, A SENATOR FROM THE STATE OF NEVADA, TO ADMINISTER THE OATH OF OFFICE OF PRESIDENT OF THE SENATE PRO TEMPORE TO PATRICK J. LEAHY, A SENATOR FROM THE STATE OF VERMONT

Mr. MCCONNELL (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

*Resolved*, That Harry Reid, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate Pro Tempore to Patrick J. Leahy, a Senator from the State of Vermont.

### SENATE RESOLUTION 621—CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THAT TRAGEDY

Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3338. Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

SA 3339. Mr. LEAHY (for Mr. INOUYE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3340. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3341. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3342. Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

SA 3343. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary.

SA 3344. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3345. Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

## TEXT OF AMENDMENTS

**SA 3338.** Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the ''Emergency Conservation Program'', $25,090,000, to remain available until expended, of which $15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i)

of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the ''Emergency Forest Restoration Program'', $58,855,000, to remain available until expended, of which $49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the ''Emergency Watershed Protection Program'', $125,055,000, to remain available until expended, of which $77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the ''Emergency Watershed Protection Program'' provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $15,000,000, to remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the ''Act''), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $373,000,000 to remain available until September 30, 2014, as follows—

(1) $6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) $10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) $150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) $56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) $150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012: *Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $109,000,000, to remain available until September 30, 2015, as follows—

(1) $47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) $9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) $44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) $8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

*Provided*, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''General Administration, Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy, $20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Drug Enforcement Administration, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Federal Prison System, Buildings and Facilities'' for necessary expenses related to the consequences of Hurricane Sandy, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Construction and Environmental Compliance and Restoration'' for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, $15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for ''Legal Services Corporation, Payment to the Legal Services Corporation'' to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, $1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $5,370,000, to remain available until September 30, 2013, for

necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided,* That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' to expedite studies of flood and storm damage reduction related natural disasters, $50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using $29,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers: *Provided further*, That using up to $20,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using $500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, $3,461,000,000, to remain available until expended: *Provided,* That $2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy: *Provided further,* That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further,* That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further,* That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further,* That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further,* That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further,* That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further,* That the Secretary may transfer up to $499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further,* That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further,* That up to $51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further,* That $9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further,* That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further,* That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', $1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That $430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects

impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

EXPENSES

For an additional amount for ''Expenses'' for increased efforts to oversee emergency response and recovery activities related to natural disasters, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the ''Federal Buildings Fund'', $7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $40,000,000, to remain available until September 30, 2014, of which $20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which $20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Sandy and other disasters, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, $500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, $260,000,000, to remain available until expended, of which $250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $1,667,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $855,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Sandy, $274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112–74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $300,000: *Provided*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Disaster Relief Fund'' in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, $5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, $6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, $3,000,000 shall be transferred to the Department of Homeland Security ''Office of Inspector General'' for audits and investigations related to disasters.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to $4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: *Provided further,* That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for necessary expenses related to the consequences of Hurricane Sandy, $3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC NUCLEAR DETECTION OFFICE

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'' for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, $3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''$20,725,000,000'' and inserting ''$30,425,000,000''.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State's Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. For any major disaster declared between August 27, 2011, and December 5, 2012, and any subsequent major disaster declaration resulting from Hurricane Sandy or Tropical Storm Sandy of 2012, the Administrator of the Federal Emergency Management Agency shall establish a Pilot Program for the Relocation of State Facilities, under which the Administrator may fund under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the permanent relocation of significantly disaster damaged State facilities subject to flood risk, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (heat, sewage, mechanical, electrical, and plumbing), that are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility. The Administrator may waive such regulations as the Administrator determines necessary to carry out the Pilot Program established under this section.

SEC. 606. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government participating in the National Flood Insurance Program on land acquired under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on or after the date of enactment of this Act and in a Midwest state that received a Major Disaster Declaration for flooding in 2011 if the Administrator and the Chief of Engineers determines that such levee—

(1) would more effectively mitigate against flooding;

(2) be in compliance with Federal, State, and local requirements; and

(3) be maintained under an adequate State, local, or tribal government plan that documents the procedures to be used to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including detailing the plan for financing the maintenance of the levee, and shall submit an annual certification of compliance to the Administrator and the Chief of Engineers.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncancelled or partially cancelled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109–88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), as amended by section 4502 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq's Accountability Appropriations Act, 2007 (Public Law 110–28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109–88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109–88 or Public Law 109–234, as amended by section 4502 of Public Law 110–28. Further, the Administrator may use funds provided under Public Law 109–88 for necessary expenses to carry out this provision: *Provided,* That the entire amount is designated by the Congress as an emergency

requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds $10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR–1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: *Provided,* That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further,* That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111–5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further,* That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) SHORT TITLE.—This section may be cited as the ''Disaster Recovery Act of 2012''.

(b) HAZARD MITIGATION.—

(1) IN GENERAL.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

''(d) STREAMLINED PROCEDURES.—For purposes of providing assistance under this section, the President may establish streamlined procedures, including procedures for consideration of multiple structures as a group and for an analysis of the environmental impacts, impacts to historic properties, cost-effectiveness, and fulfillment of cost-share requirements for proposed hazard mitigation measures.

''(e) ADVANCE ASSISTANCE.—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred.''.

(2) ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting ''Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program'' after ''applications submitted under paragraph (1).''.

(3) APPLICABILITY.—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109–347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

**''SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**

''(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

''(1) any major disaster or emergency declared on or after the date of enactment of this section; and

''(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

''(b) ADOPTION.—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

''(c) GOALS.—Any procedures adopted under subsection (b) shall further the goals of—

''(1) reducing the costs to the Federal Government of providing such assistance;

''(2) increasing flexibility in the administration of such assistance;

''(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

''(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

''(d) VOLUNTARY PARTICIPATION.—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

''(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under subsection (b) shall include—

''(1) for repair, restoration, and replacement of damaged facilities under section 406—

''(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

''(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

''(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

''(ii) management expenses;

''(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

''(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

''(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

''(ii) other activities to improve future Public Assistance operations or planning;

''(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than $5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

''(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

''(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

''(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

''(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

''(C) allowing use of program income from recycled debris without offset to the grant amount;

''(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

''(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

''(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

''(i) debris management planning;

''(ii) acquisition of debris management equipment for current or future use; and

''(iii) other activities to improve future debris removal operations, as determined by the Administrator.

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive such regulations or rules as the Administrator determines are necessary to carry out the alternative procedures under this section as a pilot program.

''(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(d) SIMPLIFIED PROCEDURES.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking ''If the Federal estimate'' and inserting the following:

''(a) IN GENERAL.—If the Federal estimate'';

(2) by inserting ''or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)'' after ''$35,000'' the first place it appears;

(3) by inserting ''or, if applicable, the amount established under subsection (b),'' after ''$35,000 amount''; and

(4) by adding at the end the following:

''(b) THRESHOLD.—

''(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the 'Administrator'), shall—

''(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

''(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

''(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

''(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

''(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.''.

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

''(d) SALARIES AND BENEFITS.—

''(1) IN GENERAL.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

''(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

**''SEC. 429. UNIFIED FEDERAL REVIEW.**

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process.

''(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate.''.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(B) the term ''eligible assistance'' means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than $1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) SUNSET.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) INDIVIDUAL ASSISTANCE FACTORS.—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma),

to measure the severity, magnitude, and impact of a disaster.

(i) CHILD CARE.—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting ''CHILD CARE,'' after ''DENTAL,''; and

(2) by inserting ''child care,'' after ''dental,''.

(j) TEMPORARY HOUSING.—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

''(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

''(I) IN GENERAL.—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

''(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

''(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

''(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

''(III) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.''; and

(3) in clause (iv), as so redesignated, by striking ''clause (ii)'' and inserting ''clause (iii)''.

(k) TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.—

(1) MAJOR DISASTER REQUESTS.—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking ''All requests for a declaration'' and inserting ''(a) IN GENERAL.—All requests for a declaration''; and

(B) by adding at the end the following:

''(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

''(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

''(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

''(B) the President determines that the waiver or adjustment is necessary and appropriate.

''(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).''.

(2) EMERGENCY REQUESTS.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

''(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.''.

(3) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking ''; and'' and inserting '', that is not an Indian tribal government as defined in paragraph (6); and'';

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

''(6) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).''; and

(D) by adding at the end the following:

''(12) CHIEF EXECUTIVE.—The term 'Chief Executive' means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.''.

(4) REFERENCES.—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

**''SEC. 103. REFERENCES.**

''Except as otherwise specifically provided, any reference in this Act to 'State and local', 'State or local', 'State, and local', 'State, or local', or 'State, local' (including the plural form of such terms) with respect to governments or officials and any reference to a 'local government' in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.''.

(5) REGULATIONS.—

(A) ISSUANCE.—The President shall issue regulations to carry out the amendments made by this subsection.

(B) FACTORS.—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) REPORT.—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) APPLICABILITY.—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, $348,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OIL SPILL RESEARCH

For an additional amount for ''Oil Spill Research'' for necessary expenses related to the consequences of Hurricane Sandy, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Operations'' and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, $150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'' for necessary expenses related to the consequences of Hurricane Sandy, $725,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for ''Leaking Underground Storage Tank Fund'' for necessary expenses related to the consequences of Hurricane Sandy, $5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', $810,000,000, to remain available until expended, of which $700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which $110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to $1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' for necessary expenses related to the consequences of Hurricane Sandy, $4,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Sandy, $2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Training and Employment Services'', $50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to $3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the ''base grant'' in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, $200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'', $1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Facilities and equipment'', $30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $921,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, $336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, $10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to $5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, $6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'' for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), $17,000,000,000, to remain available until expended, of which at least $2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, $100,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105–276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(l): *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be transferred to ''Program Office Salaries and Expenses, Community Planning and Development'' for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the ''Community Development Fund'' for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to ''Office of Inspector General'': *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the

Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Approppriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling $1,000,000 or more is announced by either Department or a modal administration.

TITLE XI

GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be ''susceptible to significant improper payments'' for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the ''Disaster Relief Appropriations Act, 2013''.

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**SA 3339.** Mr. LEAHY (for Mr. INOUYE) proposed an amendment to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 16, line 8, strike ''was'', and insert ''were'' in lieu thereof.

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**SA 3340.** Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

**SEC. 501. SURETY BONDS.**

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''does not exceed'' and all that follows through the period at the end and inserting ''does not exceed $6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code.''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) LIMITATION OF LIABILITY.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking ''70 per centum'' and inserting ''90 percent''.

(c) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $6,500,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).''; and

(2) by striking subsection (k), as added by section 508(b)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 158), and inserting the following:

''(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application.''.

(d) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by striking paragraph (9), as added by section 508(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 158), and inserting the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

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**SA 3341.** Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

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**SA 3342.** Mr. REID (for Mr. WHITEHOUSE) proposed an amendment to the bill H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; as follows:

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

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**SA 3343.** Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012'' or the ''STOP Identity Theft Act of 2012''.

**SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.**

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

**SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.**

Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by inserting ''(including an organization)'' after ''another person''; and

(B) in subsection (d)(7), in the matter preceding subparagraph (A), by inserting ''or other person'' after ''specific individual''; and

(2) in section 1028A(a)(1), by inserting ''(including an organization)'' after ''another person''.

**SEC. 4. IDENTITY THEFT FOR PURPOSES OF TAX FRAUD.**

Section 1028(b)(3) of title 18, United States Code, is amended—

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

(2) in subparagraph (C), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986;''.

**SEC. 5. REPORTING REQUIREMENT.**

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department's March 2010 Audit Report 10–21 entitled ''The Department of Justice's Efforts to Combat Identity Theft''.

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**SA 3344.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.**

(a) IN GENERAL.—The agreement entitled ''The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review'' signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the ''Agreement'') is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S. C. 1921d(f)(1)(B)(ix)) is amended by striking ''2009'' and inserting ''2024''.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

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**SA 3345.** Mrs. HAGAN (for Ms. LANDRIEU) proposed an amendment to the bill S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Uninterrupted Scholars Act (USA)''.

**SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.**

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (K), the following:

''(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.''; and

(2) in paragraph (2)(B), by inserting '', except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required'' after ''educational institution or agency''.

## PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator INOUYE, that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, be granted the privileges of the floor during consideration of the fiscal year 2013 disaster assistance supplemental.

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

## STRENGTHENING INVESTIGATIONS OF SEX OFFENDERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 246, S. 1792.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1792) to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, I am pleased that the Senate is finally being allowed to take up the Investigative Assistance for Violent Crimes Act and the Strengthening Investigations of Sex Offenders and Missing Children Act. These two legislative proposals will enhance federal law enforcement officers' ability to investigate and solve crimes. I want to thank Senator WHITEHOUSE for his leadership and perseverance in working to pass these important clarifications to existing federal law enforcement authorities.

The Investigative Assistance for Violent Crimes Act of 2011 clarifies the authority of the FBI and other Federal law enforcement agencies to assist state and local law enforcement upon request with investigations of mass killings and other instances of public violence. This important legislation will help to ensure that State and local law enforcement agencies receive the assistance they need in times of crisis. I am disappointed that this Senate bill, which was voted out of the Judiciary Committee on November 17, 2011, with overwhelming support, and the companion House bill, which was passed by the House by a vote of 358 to 9, were held up for more than a year. I hope that there is still time this session for the House to take action so that the bill can be sent to the President and he can sign it into law without further delay.

When tragedy strikes, as with the shootings in Tucson, AZ, in 2011, in Aurora, CO, in 2012, and this past Friday in Newtown, CT, there should be no doubt that Federal law enforcement can assist state and local police officers. The Investigative Assistance for Violent Crimes Act will ensure that all hands can be on deck when law enforcement assistance is needed most.

The Strengthening Investigations of Sex Offenders and Missing Children Act will reconcile an inconsistency in the United States Marshals Service's statutory authority to improve the ability of U.S. Marshals to investigate cases involving missing children and certain sex offenders. The United States Marshals Service is a key partner in the investigation and prosecution of missing and exploited children, and we must ensure that there is no question as to the marshals' authority to assist in these cases.

I regret that there are still Republican Senators holding up passage of other legislation to provide Federal assistance to state and local law enforcement that they need. Among the measures being stalled are the Justice for All Reauthorization Act, the National Blue Alert Act, Local Courthouse Safety Act, the Bulletproof Vest Partnership Grant Act, and the Edward Byrne Memorial Justice Award Grant Program Reauthorization.

At least one Republican Senator has gone so far as to contend that it is unconstitutional for the Federal Government to provide assistance and support to State and local law enforcement. I disagree. I believe such support is essential to State and local law enforcement as they work hard to protect communities in difficult times when resources from State and local governments are being squeezed.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise today in support of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011. This legislation, which is cosponsored by Senators SESSIONS, FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL, as well as Chairman LEAHY of the Judiciary Committee, would clarify the authority of the U.S. Marshals to help track down sex offenders and missing children. It is a simple and common sense of piece of legislation. I urge my fellow Senators to support it, with the hope that our colleagues in the House will soon send it to the President's desk to be signed into law.

As my colleagues know, time is of the essence when children go missing. Of those children who are abducted and subsequently murdered, 74% are killed within 3 hours of being abducted. The U.S. Marshals Service has extensive experience with and sophisticated tools for quickly identifying and tracking down fugitives and missing individuals. Notably, the U.S. Marshals Service has substantial resources for finding the fugitive sex offenders who too often are involved in child abductions.

As a result, state and local law enforcement and the National Center for Missing and Exploited Children often call on the marshals to assist in the event that a child goes missing. This bill would make it clear that, upon request, the U.S. Marshals are allowed to assist in investigating these cases, even if an arrest warrant has not yet issued. The bill also clarifies the Marshals Service's authority to assist other law enforcement agencies, upon request, in investigating sex offender cases.

I thank Senator Sessions for working with me on this important legislation, and my fellow Judiciary Committee members Senators FEINSTEIN, SCHUMER, KLOBUCHAR, and BLUMENTHAL for supporting the bill. I also would like to thank Chairman LEAHY for cosponsoring the bill and for his leadership, both generally with respect to all his work to keep our children safe from predators and specifically for moving this piece of legislation through Committee.

I am confident that every member of the Senate will understand the clear and simple principle behind this legislation and the important threat to our children that it addresses. The bill was reported by a voice vote of the Judiciary Committee, I am aware of no concerns or opposition, and I would urge my colleagues to ensure its prompt passage by the Senate.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, with no intervening action or debate, and that any statements related to this matter be placed in the RECORD.

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

The bill (S. 1792) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1792

*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 ''Strengthening Investigations of Sex Offenders and Missing Children Act of 2011''.

**SEC. 2. CLARIFICATION OF AUTHORITY.**

Section 566(e)(1)(B) of title 28, United States Code, is amended to read as follows:

''(B) as directed by the Attorney General, investigate—

''(i) fugitive matters, both within and outside the United States; and

''(ii) at the request of another Federal, State, or local law enforcement agency, cases involving—

''(I) a sex offender (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) who violates a sex offender registration requirement; or

''(II) a missing child.''.

## INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT

Mr. REID. Madam President, I ask unanimous consent that we proceed to Calendar No. 233, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Madam President, I rise in support of S. 1793, the Investigative Assistance for Violent Crimes Act of 2012, which I introduced.

This commonsense bill clarifies that—upon the request of appropriate State and local law enforcement officials—select Federal law enforcement agencies may use their unique capabilities to help investigate and respond to mass killings and other violent crimes.

The measure will provide important clarity to Federal law enforcement officers who are called on by State and local counterparts to assist in response to a mass shooting or other violent crime at a college campus, shopping mall, office building, or other public place. Currently, the FBI and select other Federal agencies often provide requested assistance to State and local law enforcement in these types of cases. The absence of an explicit authorizing statute, however, has created concern that agents responding to these violent crimes could be held liable even though their only goal was to protect the public.

This bill makes sure that the FBI, other law enforcement components at the Justice Department, Immigration and Customs Enforcement, and the Secret Service can provide State and local law enforcement officers with assistance when so requested. In so doing, it will help State and law enforcement protect victims and solve these terrible crimes.

The bill does not expand the jurisdiction of Federal law enforcement agencies. Assistance from a Federal agency must be requested by the State or local authority and agreed to by Federal authorities. And the bill does not impose new criminal penalties or regulations.

The House passed a companion measure, H.R. 207, last year by a vote of 358 to 9. The Senate bill was reported out of the Judiciary Committee last November, and I thank Chairman LEAHY for his leadership in moving this legislation through Committee. Since then, I have worked with Chairman LEAHY, Senator GRASSLEY, Chairman SMITH of the House Judiciary Committee, and Representative GOWDY to improve the bill, and we have reached an agreement that is reflected in a substitute amendment.

I urge colleagues on both sides of the aisle to support this measure, so we can ensure that our dedicated law enforcement officials can respond to and solve these tragic crimes.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the Whitehouse substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to this matter be printed in the RECORD.

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

The amendment (No. 3341) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1793) was ordered to be engrossed for a third reading, was read the third time, and passed.

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

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

## AMENDING SECTION 1059(e) OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H.R. 6223.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, in the 111th Congress, I worked closely with Senator LUGAR on two pieces of legislation to improve our immigration laws in small but meaningful ways. My bill, the Refugee Opportunity Act, would provide refugees and asylees more opportunity to become self-sustaining, productive members of their new American communities. Senator LUGAR's bill, which I was proud to support, would have permitted lawful permanent residents to return, without penalty to their citizenship process, to

their country of nationality to assist in post-conflict or disaster reconstruction efforts. Both of these bills, the Refugee Opportunity Act and the Return of Talent Act, were approved by the Senate Judiciary Committee in March of 2010. Unfortunately, undefined Republican objections stalled the progress for both of these bipartisan bills.

The Refugee Opportunity Act would provide relief from the continuous presence requirement in the immigration law for certain refugees and asylees. Specifically, the legislation would waive the requirement for refugees or asylees who worked overseas, if such presence outside the United States was in the service of the United States Government, within the refugee or asylee's home country, and within the protection of the United States Government. For refugees and asylees, in order to adjust from that status to lawful permanent resident status, 1 year of continuous presence in the United States is required after arrival. The purpose of the Refugee Opportunity Act was to permit refugees and asylees in the United States, who often arrive after years of persecution or displacement, to take employment opportunities overseas in service of their new government without penalty to their immigration process. The policy goal was to provide encouragement for refugees and asylees to take a step forward on the path to independence and self-sufficiency while assisting the international efforts of their adopted country.

The legislation that Senator TOOMEY has introduced, and for which he has sought consent in the Senate, would provide this same relief from the continuous presence requirement in the immigration law for recipients of the Special Immigrant Visa. These visas are available to Iraqi and Afghan interpreters or translators who had served the United States armed forces overseas. The bill we pass today would remove barriers for Special Immigrant Visa holders who, after receipt of such a visa, wish to work again for the United States abroad. Like the Refugee Opportunity Act, this bill would waive the applicable presence requirement that the immigrant must satisfy before adjusting his or her status while he or she was outside the United States. In fact, the goals of H.R. 6223 are identical to the bill I introduced over 2 years ago with Senator LUGAR—to encourage new arrivals to America to work on behalf of the United States in furthering the goals of our government abroad and to remove barriers to such employment and participation.

Although I am glad that the goals of the Refugee Opportunity Act and the ideal that we do right to encourage new Americans to serve their adopted government are being promoted in the legislation Senator TOOMEY has sought to pass, I regret that the same cooperation and courtesy we give him today was withheld by some of Senator TOOMEY's fellow Republican Senators when Senator LUGAR and I asked for consent on our legislation to achieve these same goals.

Mr. REID. I now ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 6223) was ordered to a third reading, was read the third time, and passed.

## AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. REID. I ask unanimous consent that the Senate proceed to S. 3687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3687) to amend the Federal Water Pollution Control Act to authorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

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

**SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.**

Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (d), by inserting ''to pay not more than 75 percent of the costs'' after ''make grants''; and

(2) in subsection (f)(1), in the first sentence, by striking ''2011'' and inserting ''2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017''.

**SEC. 2. ENVIRONMENTAL PROTECTION AGENCY HEADQUARTERS.**

(a) REDESIGNATION.—The Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., known as the Ariel Rios Building, shall be known and redesignated as the ''William Jefferson Clinton Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Environmental Protection Agency Headquarters referred to in subsection (a) shall be deemed to be a reference to the ''William Jefferson Clinton Federal Building''.

**SEC. 3. GEORGE H.W. BUSH AND GEORGE W. BUSH UNITED STATES COURTHOUSE AND GEORGE MAHON FEDERAL BUILDING.**

(a) REDESIGNATION.—The Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, known as the George Mahon Federal Building, shall be known and redesignated as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States Courthouse referred to in subsection (a) shall be deemed to be a reference to the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

**SEC. 4. THOMAS P. O'NEILL, JR. FEDERAL BUILDING.**

(a) DESIGNATION.—The Federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the ''Thomas P. O'Neill, Jr. Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Thomas P. O'Neill, Jr. Federal Building''.

**SEC. 5. COMPLIANCE WITH LACEY ACT.**

The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and section 42 of title 18, United States Code, shall not apply with respect to any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

**SEC. 6. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.**

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the ''McKinney Lake National Fish Hatchery'', which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as

the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

## INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2011

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 236, H.R. 2076.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I further ask that the committee-reported amendment be considered; the substitute amendment, as amended, be agreed to; the Whitehouse amendment, which is at the desk, be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to, as follows:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2011''.*

***SEC. 2. INVESTIGATION OF MASS KILLING OR ATTEMPTED MASS KILLING AND OTHER VIOLENT CRIMES.***

*Title 28, United States Code, is amended—*

*(1) in section 530C(b)(1)(L)(i), by striking ''2,000,000'' and inserting ''$3,000,000'';*

*(2) in section 530C(b)(4), by adding at the end the following: ''The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.'';*

*(3) in section 540A—*

*(A) in the section heading, by striking ''**Investigation of violent crimes against travelers**'' and inserting ''**Investigation of certain violent crimes**'';*

*(B) in subsection (a), by inserting '', in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of mass killings and attempted mass killings'' after ''traveler''; and*

*(C) in subsection (c), by adding the following new paragraph at the end:*

*''(4) 'mass killings' means 3 or more killings in a single incident.''; and*

*(4) in the table of sections at the beginning of chapter 33, by striking the item relating to section 540A and inserting the following:*

*''540A. Investigation of certain violent crimes.''.*

The amendment (No. 2076) was agreed to, as follows:

(Purpose: In the nature of a substitute)

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Investigative Assistance for Violent Crimes Act of 2012''.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) ATTORNEY GENERAL.—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking ''$2,000,000'' and inserting ''$3,000,000''; and

(2) in section 530C(b)(1), by adding at the end the following—

''(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

''(ii) For purposes of this subparagraph—

''(I) the term 'mass killings' means 3 or more killings in a single incident; and

''(II) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

(b) SECRETARY OF HOMELAND SECURITY.—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

''(d) INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.—

''(1) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'mass killings' means 3 or more killings in a single incident; and

''(B) the term 'place of public use' has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.''.

The committee amendment in the nature of a substitute, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2076), as amended, was read the third time, and passed.

## ELECTING PATRICK J. LEAHY TO BE PRESIDENT PRO TEMPORE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 619.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 619) to elect PATRICK J. LEAHY, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 619) was agreed to, as follows:

S. RES. 619

*Resolved*, That PATRICK J. LEAHY, a Senator from the State of Vermont, be, and he is hereby, elected President of the Senate pro tempore.

## AUTHORIZING HARRY REID TO ADMINISTER THE OATH OF OFFICE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 620.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 620) to authorize HARRY REID, a Senator from the State of Nevada, to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 620) was agreed to, as follows:

S. RES. 620

*Resolved*, That HARRY REID, a Senator from the State of Nevada, is hereby authorized to administer the oath of office of President of the Senate pro tempore to PATRICK J. LEAHY, a Senator from the State of Vermont.

## CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 621.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 621) condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 621) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 621

Whereas, on December 14, 2012, a mass shooting took place at Sandy Hook Elementary School in Newtown, Connecticut;

Whereas the people of the United States mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy;

Whereas the people of the United States will always remember the victims of the previous mass shootings that have occurred in the United States and stand in solidarity with the survivors; and

Whereas the quick action of law enforcement officials and other first responders prevented additional losses of life: Now, therefore, be it

*Resolved,* That the Senate—

(1) condemns the senseless attack at Sandy Hook Elementary School in Newtown, Connecticut, on Friday, December 14, 2012;

(2) offers condolences to all of the students, teachers, administrators, and faculty of Sandy Hook Elementary School, as well as their families, and recognizes that the healing process will be long and difficult for the entire Newtown community;

(3) honors the selfless, dedicated service of—

(A) the teachers, school administrators, school support staff, medical professionals, and others in the greater Newtown community;

(B) the emergency response teams and law enforcement officials who responded to the attack; and

(C) the law enforcement officials who continue to investigate the attack; and

(4) remains committed to working together to help prevent tragedies like this from ever happening again.

Mr. REID. Madam President, understandably, Senator AKAKA wants to make a statement regarding our friend, Senator INOUYE. But Senator MCCAIN has been waiting here for hours. I ask unanimous consent that Senator MCCAIN be recognized for a statement; that when we completes that statement, Senator AKAKA be recognized.

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

## REMEMBERING DANIEL K. INOUYE

Mr. MCCAIN. I thank the majority leader. Today, the Senate lost, America, and especially his beloved citizens of Hawaii lost a unique, brave, wonderful legislator, a man who brought to this institution the most unique credentials I would argue probably of anyone who has ever served in this pretty diverse body.

DAN INOUYE was born of Japanese parents who came to Hawaii, as many Japanese did in that period of time at the turn of the century, to work in the pineapple fields and agriculture, which was a fundamental of the economy for the State of Hawaii. Their conditions were not good. They worked hard. But they raised their families with pride, with dignity and honor, and were proud to call themselves Americans.

DAN INOUYE was as proud as any. As we know, one of the most shameful chapters of American history took place during World War II when an incredible act of injustice took place. The United States of America decided to intern Japanese Americans who lived in California. They were put into internment camps because they happened to be Japanese Americans, not because they had done anything wrong, not that they did not love America, but because they happened to be Japanese Americans. By the way, some of those internment camps were in my home State of Arizona. Conditions were not terrible, but they were not good. People were incarcerated because they happened to be ethnic Japanese.

In Hawaii, there was a group of young Japanese Americans who decided that they wanted to serve their country and they wanted to serve in uniform. One of the most well-known and famous and most highly decorated units of the entire World War II was the battalion in which DAN INOUYE served. They were in many of the most gruesome and difficult blood lettings of the entire conflict as the American forces fought their way up through Italy against a very well trained, very well equipped, professional German opposition. DAN INOUYE was a proud member of this battalion. In fierce combat, DAN INOUYE was gravely wounded on the battlefield. He was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Interestingly and coincidentally, he went to a veterans hospital in Chicago where a person in the same ward, was a American Army second lieutenant who had also been wounded seriously in Italy, one Bob Dole—2LT Bob Dole of Kansas. And there began a friendship that lasted to this day, both gravely wounded, both dedicated more than ever to serve their country. Both served with distinction. The friendship, the bonds of friendship that were forged in that hospital between Bob Dole and DAN INOUYE were unique and enduring.

So DAN INOUYE returned to his beloved Hawaii. The story goes—and I do not know if it is true or not—the story goes that a DAN INOUYE went down to join the veterans organization, and when he applied for membership, he was told that the only members they took in that organization were Caucasian.

DAN INOUYE decided that he wanted to continue to serve his country and the State of Hawaii. He was the first Senator from the State of Hawaii and has served longer than any Senator in this institution. He was loved by all of us. I did not always agree with Dan. Occasionally, we had differences about how we use appropriations bills. No one—no one ever, ever accused DAN INOUYE of partnership or unfairness.

He loved Native Americans, and he loved his Hawaiians. One of the more rewarding periods of my time here in the Senate was being on the Indian Affairs Committee under his chairmanship. Very important pieces of legislation came out of that committee. It was a great honor for me to have the privilege to serve with DAN INOUYE. He loved Native Americans. He knew that Native Americans had been wronged in our history. He knew that solemn treaties must be honored by our government even if those treaties sometimes meant that there would be significant expenditures of America's tax dollars.

Have no doubt that our treatment of Native Americans and the treatment of Native Hawaiians is not the most glorious chapter in American history when we look back at what happened to the proud Native Americans, the Native Hawaiians as their civilization collided with the civilization that came to the United States of America from around the world.

DAN INOUYE fought for the things he believed in and the principles that he held dear. He held nothing more dear than the glory of being able to serve people who needed to be served.

DAN INOUYE will be missed. There will not be another like him. There will not be another Senator literally deprived of his rights. There will not be another Senator who will serve in length and with the dedication that DAN INOUYE served this Senate and his beloved Hawaii. So we will all miss DAN INOUYE. I hope from time to time, with the bitter partisanship that exists here sometimes in the Senate, maybe we could use DAN INOUYE's record as an example of bipartisan, of friendship, of a willingness to reach across the aisle and work with the other side; it characterized DAN INOUYE's record here in the Senate.

For some reason, when I heard and thought about Dan's passing today, I was reminded of another person who died and is buried on the island of Samoa, and his poem is inscribed on his gravestone as an epitaph. I think it applies to our dear and beloved friend who passed today. It was by Robert Lewis Stevenson. I quote:

Under the wide and starry sky,
Dig the grave and let me lie.
Glad did I live and gladly die,
And I laid me down with a will.

This be the verse you 'grave for me:
Here he lies where he longed to be;
Home is the sailor, home from the sea,
And the hunter home from the hill.

I see my dear and beloved friend, the other Senator from Hawaii, DAN AKAKA, on the floor.

I thank you, DANNY, and God bless.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, it is very difficult for me to rise today—

with a heavy heart—to bid aloha to my good friend, colleague, and brother DAN INOUYE. It is hard for me to believe that the terrible news I just received is true. Senator INOUYE was a true patriot and an American hero in every sense, and he is at this time in Hawaii the greatest leader.

He served his country as a soldier, receiving the highest honor our Nation can bestow. When we think of how he began to serve his Nation, it is difficult to believe the difficulty we had in Hawaii as Japanese Americans. To be a part of our Nation's military—we were denied. We were considered aliens of this country. But he was one of those who wanted to serve their country, and they went to the highest level to receive that dignity, and eventually they were given the honor to serve our country. As we now know, it became the greatest unit in military history, with the most decorations of any unit and also with the highest levels of decoration, of the Medal of Honor.

He served as a leader, the third longest serving Member of the U.S. Senate in our Nation's history. He served as a defender of the people of this country, championing historic charges for civil rights, including the equal rights of women, Asian Americans, African Americans, and Native Hawaiians. It is an incredible understatement to call him an institution. This Chamber will never be the same without him.

I remember, in our childhood in Hawaii, that Hawaii was a diversified place. Where I lived in Pauoa Valley, there were many Japanese families who lived around us. There were many nights that I spent sleeping in the homes of our Japanese families, ate their food, slept on the tatami on the floor, and I really was brought up with the Japanese families. So when the war broke out, I couldn't understand what was happening because there were families who were removed from the community, and, of course, at that time the Japanese American boys weren't allowed to be in the military, but they pursued it because they wanted to serve this country as well. This is why, in my time in Congress, I did focus on trying to help the Japanese Americans in this country and the Asians in this country as well and to help them achieve what they really earned.

I remember seeking the Medal of Honor for the unit and for those who fought in World War II, and I provided the Pentagon with 100 names from these units. I was really surprised that there were finally 21 of them who were selected for the Medal of Honor, and Senator INOUYE was one of them. But that showed that they were willing to give their lives for this country, and they did. Since then, he has continued to serve his country.

We all used the G.I. bill to be educated in Hawaii. We went to the University of Hawaii, graduated from there, and went on to further degrees. They came back, in a sense, those who could help the communities, and became leaders.

In the case of DANNY INOUYE, he was one of the ones who turned the tide in Hawaii politically since 1954, and by 1959 we became a State. Senator INOUYE ran for office and was our first Member of the House. After one term, he moved to the Senate because Senator Long decided to retire. As a result, Senator Matsunaga was elected to the House and served the House and also the Senate as well, and he also was a member of the 100th infantry during World War II. But the Japanese Americans really served our country, and DANNY INOUYE is one of those great leaders in the history of this country.

Through my career in Congress, I have been proud to be on Dan's team. We have worked on everything from appropriations to Native Hawaiian rights, to veterans and to defense. All of us in Hawaii looked up to him, and we are so sad to see him go.

DANNY INOUYE leaves behind him a list of accomplishments unlikely to ever be paralleled. His lifelong dedication and hard work in the name of his beloved country, the United States of America, influenced every part of his life and set him apart, even in the Senate. He was a fierce advocate as a senior member of several committees, and the way he conducted himself commanded respect from all with whom he worked.

His legacy is not only the loving family he leaves behind, it can be seen in every mile of every road in Hawaii, in every nature preserve and every facility that makes Hawaii a safer place. He fulfilled his dream of creating a better Hawaii. He gave us access to resources and facilities that the mainland States, I would say, took for granted.

Tomorrow will be the first day since Hawaii became a State in 1959 that DANNY INOUYE will not be representing us in Congress. Every child born in Hawaii will learn of DANNY INOUYE, a man who changed the islands forever.

I join all of the people of Hawaii tonight in praying for his wife Irene, his son Ken, and his daughter-in-law Jessica; his stepdaughter Jennifer, and his grand-daughter Maggie, who really tickle his life. Whenever I had a chance to chat with him, we talked about Maggie. They brought him so much joy in his life and will carry his legacy forward.

I am going to miss DAN, and so will all of us here in the Senate, and this great country will also. He represented a true American, and for us in Hawaii, he represented a true Hawaiian in Hawaii. He served Hawaii and this country well.

DAN and I have worked so well together all these years. When I was in the House and on the Appropriations Committee there, we worked very well between the House and the Senate. Many of the renovations that have come about in Hawaii were because of Danny, and he really helped to shape Hawaii and this great country. He brought here on Earth a kind of life that people of our country and this world can follow to be great citizens of the world.

DAN, my dear friend and colleague, you will be missed in Washington as much as you will be missed in Hawaii. Rest in peace. God bless you and your spirit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

## UNINTERRUPTED SCHOLARS ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3472 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I further ask unanimous consent that the Landrieu substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3345) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Uninterrupted Scholars Act (USA)''.

**SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.**

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (K), the following:

''(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such

disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.''; and

(2) in paragraph (2)(B), by inserting '', except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required'' after ''educational institution or agency''.

The bill (S. 3472), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDERS FOR TUESDAY, DECEMBER 18, 2012

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Tuesday, December 18, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

## RECESS UNTIL 10 A.M. TOMORROW

Mrs. HAGAN. If there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:13 p.m., recessed until Tuesday, December 18, 2012, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RICHARD J. ENGLER, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE WILLIAM E. WRIGHT, TERM EXPIRED.

### NATIONAL MEDIATION BOARD

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, RESIGNED.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

LAURA A. BRODHAG

*To be major*

ARSHAD M. BACHELANI
NICHELLE A. COOK
JUSTIN P. FOX
STEPHANY T. GODFREY
JOHN D. KLEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

WILLIAM R. BAEZ
RENEE D. CARLSON
MARGARET A. CURRY
LORI L. EVERETT
CHRISTOPHER A. GARZA
KATHLEEN A. GATES
DOUGLAS M. LITTLEFIELD
RICHARD A. MCCLURE
STEVEN A. REESE
ERIC R. SCHMIDT
DARRELL S. SMITH
BRENT A. SONDAY
COREY M. STANLEY
BRYAN K. TALLENT
RICHARD A. VANDERWEELE
MICHAEL D. WEBB
BRYCE G. WHISLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JAKE R. ATWOOD
FRANCIS E. BECKER
STEVEN M. BENNETT, JR.
SARAH S. BONG
REBECCA K. BRINCKS
FRANCISCO T. CARLOS
KUN JANG CHANG
CHI W. CHUNG
ELIZABETH L. DANG
MATTHEW A. DIETRICH
ADAM J. EGGE
NICHOLAS R. EINBENDER
ARLENE SUGANDHI ESCHE
MARK D. FINCHER
MELISSA H. FISHER
BRADLEY D. HARRELSON
AARON J. HAYES
MARK D. HOIKKA
COLLIN D. HOLMAN
DOUGLAS C. HOLMES
MIN K. KIM
BRANDON D. KOFFORD
ANDREW Q. MADSON
KEVIN T. MASKELL
JARROD R. MCALEVY
NOAH M. MILLER
PAULENCIA L. MORRIS
PAULA MORSE
RYAN D. MURPHY
MITZI J. PALAZZOLO
JEREMIAH J. PARKER
RACHAEL L. PARRISH
PETER M. PEDALINO
CAMERON L. PERIGO
BRANDON M. PIEPER
DEANDRA M. PRICE NEWBY
KELLY A. RAMEY
THOMAS B. REYNOLDS
JEFFREY B. ROBINSON
ANITA M. SHADE
BENJAMIN A. SHIRLEY
LISA J. SHOFF
NIKOLAY SKY
MATTHEW S. STRATMEYER
JOHN D. TEEPE
MEGHAN J. VANDERHEIDEN
ROBERT R. WATSON
MATTHEW T. WILSON
BRENT J. WINWARD
ROSS A. YOST
MICHAEL R. ZACHAR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

KRISTEN J. BEALS
TERESA O. BISNETT
DAVID E. BLOCKER
CHRISTOPHER J. BORCHARDT
KIMBERLY R. BRADLEY
DAVID S. BUSH
ALESIA C. CARRIZALES
JAMES A. CHAMBERS
ARTEMIO C. CHAPA
DIXON L. CHRISTIAN
JOSEPH CONNOLLY III
JOHN J. COTTON
RITA L. DUBOYCE
TIM D. DUFFY
CHRISTINE R. ERDIELALENA
JOYCE PASTORE FIEDLER
VAL W. FINNELL
HOWARD R. GIVENS
PAUL D. GLEASON II
KERYL J. GREEN
CHRISTOPHER M. GRUSSENDORF
MELINDA B. HENNE
MARK A. HINTON
DUNCAN G. HUGHES
KATHRYN G. HUGHES
CONSTANCE L. JACKSON
MONICA L. JOHNSON
SAMUEL O. JONES IV
WARREN R. KADRMAS
GREGORY A. KENNEBECK
ROBERT S. KENT
CHETAN U. KHAROD
STEVEN M. KINDSVATER
TODD T. KOBAYASHI
DONALD C. KOWALEWSKI
JEFFREY D. KUETER
JANICE M. LANGER
JEFFREY D. MCNEIL
DANIEL I. MIRSKI
TERENCE B. MITCHELL
ANDREW E. MOORE
PATRICK M. MUEHLBERGER
MARK A. NASSIR
JUSTIN B. NAST
STEPHEN L. NELSON, JR.
THOMAS C. NEWTON
WILFREDO J. NIEVES
CHRISTOPHER P. PAULSON
JOSEPH A. POCREVA
MICHAEL RAJNIK
DAVID M. ROGERS
DOUGLAS M. ROUSE
JAMES M. SCOTT III
YVONNE M. SCULLEY
FERNANDO SILVA
BRANDON T. SNOOK
RICHARD J. STRILKA
ROBERT T. SULLIVAN
GREGORY B. SWEITZER
MICHAEL A. TALL
NATHAN L. TAYLOR
ROBERT E. THAXTON
NICOLE M. THOMAS
ANTHONY P. TVARYANAS
ANTHONY W. WALDROUP
DANIEL J. WATTENDORF
LEE D. WILLIAMES
PAMELA M. WILLIAMS
MICHAEL J. WOOD
BRUCE A. WOODFORD
ROBERT R. YORK
SHAWN P. ZARR
JIANZHONG J. ZHANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

TANSEL ACAR
DEBORAH L. ASHCRAFTOLMSCHEID
AREZOO BARANI
ELHAM BARANI
STEVEN W. BLACK
JACK K. CHUNG
PEGGY L. DICKSON
WILLIAM J. DICKSON
AMY E. DYER
JEFFREY A. FORD
STEPHEN R. GASPAROVICH
JEREMY D. HAMAL
BRENT E. HAVEY
FRED P. KREY
SCOTT J. LAFONT
DAVID R. LUKE III
BRENT D. MARTIN
ROGER L. MILLER
BRIAN G. MIN
MICHELLE M. MOFFA
LEON A. NIEH
SHANNON K. O KEEFE
PATRICK B. PARSONS
MARK D. ROBERTS
JEREMY F. SCARPATE
KHURRAM M. SHAHZAD
OSCAR R. SUAREZ SANCHEZ
JAMES R. THOMPSON
SCOTT E. THOMSON
BRANDON H. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SAMUEL E. AIKELE
PETER S. AIREL
ROBIN S. AKINS
NIMA A. ALINEJAD
ANDREW T. ALLEN
GREGORY W. ANDERSON
MARK A. ANDERSON
MICHELLE K. ANTON
TIMOTHY P. BALLARD
ROBERT L. BALTZER, JR.
JASON BARNETT
LAURA M. BAUGH
MICHAEL J. BENCA
RONALD M. BERNARDIN III
JONATHAN M. BISHOP
BRYSON D. BORG
TRACY K. BOZUNG
REBEKAH G. BRISCOE
ANTOINETTE T. BURNS
CASSANDRA J. BURNS
KENT D. BURR
SAMANTHA L. BUTLER
LYDIA CARPENTER

YOVANNI CASABLANCA
VALERIE J. CASTLE
CHRISTY Y. CHAI
EDWARD CHAMPOUX
MARC A. CHILDRESS
ANDREW Y. CHOI
JARED A. CHUGG
FRANCIS J. CLORAN
JAMES D. COLLINS
JOHNATHAN M. COMPTON
JESSICA J. COWDEN
JUSTIN L. CUMMINGS
MATTHEW J. DARLING
STEVEN D. DEMARTINI
JUSTIN F. DEVITO
ROBERT L. EMERY
GREGORY A. ERICKSON
KEVIN A. FAJARDO
JACQUELINE S. FERNANDES
CECELIA M. FICEK
IRENE FOLARON
JULIE A. FREILINO
TRAVIS W. GERLACH
ANNE GRAY
KIRBY G. HARVEY, JR.
RYAN P. HAWKS
ERIC A. HIGH
WILLIAM M. HILTON
BRIAN K. HOGAN
FAWN S. HOGAN
ROBERT L. HOLMES
DAVID J. HOOPES
JONATHAN C. JACKSON
NORRIS J. JACKSON
KEITH J. JOE
ROY L. JOHNSON III
NURANI M. KESTER
MATTHEW R. KEYSOR
DAVID D. KIM
SCOTT ALEXANDER KING
MICHAEL J. KRIER
BRADLEY J. LACHEY
TRISTAN T. LAI
DANIEL R. LAMOTHE
DEWAYNE C. LAZENBY
HUI LING LI
JOSEPH D. LOVE
SEAN MACDERMOTT
MICHAEL C. MAINE
MATTHEW M. MALAN
SALAH F. MASRY
JOSHUA MATTISON
JONATHAN J. MAYER
JOSEPH H. MCDERMOTT
GREGORY M. MEIS
NICHOLAS C. MEXAS
MICHAEL MICHEL
RYAN G. K. MIHATA
MARVIN J. MIKESKA
MICHELLE R. MILNER
AASIF H. MIRZA
CUONG M. NGUYEN
ERIK V. NOTT
LANCE M. NUSSBAUM
ERIK D. OBERG
JASON F. OKULICZ
TREMIKAE R. OWENS
THOMAS B. PAYNTER
ANDREW N. PIKE
PAUL PUCHTA
BRADLEY S. PUTTY
ROLANDO Y. RAMOS
JOHN S. RENSHAW
DEVIN A. RICKETT
IAN C. RIDDOCK
JANELLE L. ROBERTSON
JON M. ROBITSCHEK
BLAKE C. RODGERS
JONATHAN M. ROGERS
NAPOLEON P. ROUX III
MICHAEL J. RUSSELL
THOMAS L. SALSBURY
TAMAR E. SAUTTER
TREVOR J. SCHAR
CARRIE A. SCHMID
MELISSA SCHOENWETTER
DANIEL R. SCHULTEIS
TROY M. SCHWARTZ
ANDREW D. SEDIVY
JAMES D. SENECHAL
AALOK D. SHAH
TAVIS M. SHAW
ERIC SHERMAN
JOSHUA M. SILL
BRENT W. SMITH
CHRISTIAN J. SMITH
LUKE EDWARD STALL
JONATHAN L. STREETER
IVETTE E. SUBER
DREW N. SWASEY
ARLO M. TAN
AARON S. THAKER
JUSTIN J. TINGEY
TERRILL L. TOPS
BIANCA TRUONG
CHRISTOPHER M. TSUEDA
DOUGLAS C. VANDERKOOI
LOUIS M. VARNER
GUY C. VENUTI
FRANKLIN D. WADDELL
MARK B. WALL
CLAUDINE T. WARD
PAMELA P. WARDDEMO
CHRISTOPHER M. WEBBER
SUK C. WHANG
BRIAN K. WHITE
BRYAN M. WHITE
OLIVER J. WISCO
LAUREN J. WOLF
MARISSA V. YLAGAN
MARY ZACHARIAH KURIAN
DARRELL M. ZAUGG
SCOTT M. ZELASKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

HOMAYOUN R. AHMADIAN
MICHAEL R. ALCORN
JOHN B. ALLIS
DANIEL M. ANDERSON
ELIZABETH A. BALLARD
BENJAMIN D. BARLOW
MATTHEW G. BARNES
ALICE E. BARSOUMIAN
PATRICK M. BASILE
ALISON T. BAUM
BEAU J. BAUM
RUSSELL A. BAUR
BRAD A. BAWCOM
CARMEN C. BAXTER
JESSICA L. BEACHKOFSKY
THOMAS M. BEACHKOFSKY
SHANE O. BIEDERMANN
EDMUND L. BLACKLER
ANDREA J. BLAKE
HEATHER D. BLAYLOCK
ANDREW P. BOHN
SARAH N. BOWE
CASEY D. BOWEN
MATTHEW S. BROCK
HYRUM R. BRONSON
ANDREW W. BURSAW
KELVIN N. BUSH
KUANG S. A. CHANG
KATHRYN M. CHARNOCK
NICOLE ANN CHIOTA MCCOLLUM
WALTER S. CHOATE
SAMANTHA D. CHUPLIS
CHRISTOPHER P. CLARK
ARTHUR W. CLARKSON
ROBERT M. CLONTZ II
HUGH M. COKE III
ERICA M. COLDIRON
MICHAEL J. CONNALLY
JARON B. COOMBS
JAMES W. COX
JASON N. CROSSON
ADRIENNE KLINE CUMMINGS
KATHARINE E. DAVIDSON
JANA M. DAVIS
JONATHAN C. DAVIS
PETRENIA A. DAVIS
MEGHANN L. DEROSIER
WYLIE C. DEVERA
RYAN H. DEVINE
RINO C. H. DIZON
ROSS W. DODGE
DAVID B. DOUGLAS
JORDAN P. DOWNING
PAUL M. DRAYNA
SILENA C. E. DUKES
JARROD E. DUMPE
DAVID A. DY
SARAH E. ECCLES BROWN
CHRISTOPHER M. EDENS
JESSICA BARRY EICHINGER
BLAKE E. ELKINS
KATIE A. ELLGASS
LEAH TATUM ENRIGHT
COREY P. FALCON
TARRA I. A. FAULK
SHAUN M. FELCHER
KELLY P. FERRARO
PHILIP M. FLATAU
KATHLEEN V. FLICK
RODERICK W. FONTENETTE
JARED R. FULLER
JASON C. GARNER
JUSTIN T. GATHERCOAL
CHRISTOPHER J. GORDON
LENA E. GOWRING
STACIE M. GRIFFIN
CHENOAH E. GUDEL
RYAN A. HACKETT
TIMOTHY M. HAFFEY
GAYLE D. HAISCHER ROLLO
ANDREW B. HALL
MATTHEW S. HALL
STEPHEN L. HALLA
BRIAN S. HAMPSON
KHADIDJA HARRELL
GEORGE T. HARRIS II
KYLE J. HAZELWOOD
ADAM J. HEISINGER
JONATHAN L. HENDERSON
JUSTIN N. HENRY
FERNANDO A. HERNANDEZ
ADAM N. HERTLEIN
WILLIAM D. HINOJOSA
ALLAN L. HO
JEFFREY J. HOLLINGSWORTH
JAMES D. HONEYCUTT
SHAWN I. HOSSAIN
JAMES E. HULL
KORI L. HUNT
ELLEN E. IM
AMANDA P. ISBELL
DORKA M. JIMENEZ
HYON J. JOO
WASSEM Y. JUAKIEM
KRISTEN L. KAMMERER
HATTIE DAWN KARAMBAY
JUHEE KIM
STANLEY J. KIMBALL
RICHARD C. KIPP
LALEISHA M. KNAPPLE
BENJAMIN L. KOHNEN
ROBERT L. KONOLD
JAMIE LYNN KRASSOW
KEVIN J. KRAULAND
RONALD M. KREINBRINK
MARIE P. KRIG
LINDSEY E. KUSCHNERAIT
BRIAN E. LANDRETH
WINTON P. D. LASLIE
RICHARD M. LAW
ANNA E. LAWRENCE
THOMAS J. LEE, JR.
EMILY E. LINK
JAYDEE R. LUMBAD
SHANNON M. MACLEAN
KEITH P. MADSEN
CHRISTOPHER RAY MAHONEY
MEGHAN E. MALENTACCHI
ERIN E. MARCHAND
SUSAN M. MARCHIANO
NICKOLAY P. M. MARKOV
ADAM T. MARLER
MELISSA A. MAY
STEVEN W. MAYFIELD
STEVEN D. MCCAIG
HAMPTON L. MCCLENDON
CAROLYN ELIZABETH MCDONALD
KIMBERLY L. MCKINNEY
NICHOLAS D. MCKINNON
JEFFREY MEADE
PABLO O. MEDINA, JR.
KRISTA M. MEHLHAFF
CHRISTOPHER A. MEINHART
STEVEN P. MENARD
JOEL T. METZE
AMANDA L. MILLER
DANIELLE M. MILLER
NATHAN B. MILLER
MATTHEW DALE MILLETT
MATTHEW R. MINOR
YAMIL MIRANDA USUA
PAUL E. MORRISON
TANISHA K. MORTON
DANIEL M. MOSELEY
EMILY M. NAKAGAWA
CASEY A. NAUMOFF
LUCAS PAUL NEFF
CHRISTOPHER D. NELSON
MICHAEL SHANE NEWBERRY
MARY C. H. NUTTER
CHARISSA A. OLSON
RYAN P. ONEILL
JOSEPH LEE OTT
ERIC C. PARKINSON
JASON O. PARKINSON
RYAN D. PEARSON
THOMAS J. PERCIVAL
C. J. PICKARDGABRIEL
CHRISTOPHER J. PITOTTI
DANNY R. PIZZINO, JR.
DAVID POLZIN
ADAM W. POWELL
MARION R. POWELL
ALAN C. PUDDY
CHRISTINE V. RAGAY
SURAJ S. RAM
MARIO L. RAMIREZ
MICHELLE A. RAMOS
BRYAN C. RAMSEY
JAIME M. RAWSON
LAURAE D. RETTIG
KEVIN W. RICH
KYLE A. RICKARD
ANGELA M. RIEGEL
DUANE R. ROBINSON
LIANA RODRIGUEZ
JOSEPH W. ROHRER
JEFFREY D. SARATA
KATHLEEN M. SARBER
AMANDA C. SCHAEFER
RYAN J. SCHUTTER
KEVIN M. SEMELRATH
BRENNA M. SHACKELFORD
JESSICA A. SHANK ORTOLANO
PATRICK L. SHORT
JEREMY D. SIMMONS
TIFFANY R. SIMPSON
ANDREW J. SKABELUND
LISA MARIE SKABELUND
MICHAEL J. SLOGIC
CORINNE L. SLUSHER
JOSHUA M. SMALLEY
CHRISTOPHER L. SMELLEY
ANDRIA L. SMITH
DAVID M. SMITH
LASHIKA D. SNEED
JULIE A. SPEAKMAN
SCOTT A. STAFFORD
EUGEN STANCUT
CHRISTOPHER M. STAUCH
BENJAMIN E. STONE
MATTHEW J. STREITZ
SARA EMSLIE SULTZ
JASON R. SUSONG
SANDRA K. SWEDEAN
JASON C. SWIGERT
CHRISTOPHER SZABO
HIDEAKI L. TANAKA
AARON W. TERRY
ANDREW S. THAGARD
BAXTER D. THARIN
DAVID B. THOMAS

SARAH M. THOMAS
STEVEN W. THORPE
ANDREW M. TIMBOE
FERNANDO R. TOVAR
JAMES J. TSCHUDY III
ERIC C. UMBREIT
KENDALL J. VERMILION
CAROLE MAJAL Y. VILLAMARIA
LAURA L. VOEGELE
ERNEST B. WEBB
DREW S. WEBER
MATTHEW M. WERGER
AUBREY GARRISON WHEELER
JOSEPH D. WHEELER
CAROLINE P. WILLIAMS
NICOLE M. WILSON HALL
SARAH E. WILSON
WESTON T. WINKLER
MELISSA A. WOLLAN FRANCIS
STUART T. WOOD
BRONWYN L. YOUNG
MAYRA Y. ZAPATA
MICHAEL P. ZEOLA
JOE X. ZHANG

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

ALFRED C. ANDERSON

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DEANNA R. BEECH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

SHRRELL L. BYARD
SOO B. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

DONALD E. LAYNE
PAMELA J. LEEJOHNSON
MARK P. MCANDREW
SCOTT J. MCATEE
NEREIDA ROMERO

*To be major*

PETER C. CHAMBERS
JOSEPH F. SUCHER

## CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, December 17, 2012:

THE JUDICIARY

FERNANDO M. OLGUIN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. DURKIN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

# EXTENSIONS OF REMARKS

## TEXAS TECH UNIVERSITY SCHOOL OF LAW CELEBRATES 45 YEARS OF EXCELLENCE

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. NEUGEBAUER. Mr. Speaker, this year, the Texas Tech University School of Law marked its 45th anniversary, and I rise today to congratulate the faculty, staff, students, and alumni on this milestone.

The School of Law was the first graduate professional school at Texas Tech, and it owes its existence primarily to the efforts of one man–Alvin Allison of Levelland. As Texas evolved from an agricultural state to one with a greater focus on industry and professional services, there was a growing need for lawyers. Mr. Allison saw an opportunity for Texas Tech to fulfill that role, and the idea for the law school was born.

The first class consisted of 72 students, who were trained to practice law, ''in accordance with the highest traditions of professional responsibility,'' according to an early history of the school. Today, students are still taught to fulfill their greatest potential as they serve their communities.

Texas Tech Law has grown tremendously since its founding in 1967, but it has remained true to its core principles. Although today's incoming classes are nearly three times as large as the first class, they maintain a focus on practical instruction to prepare students for professional success.

Students can take advantage of joint degrees and nationally recognized programs in advocacy, law and science, military law, and health law. Alumni have consistently high rates of employment and bar passage, and work throughout the state and the nation as lawyers and judges, public servants and executives.

Today, Dean Darby Dickerson is leading Texas Tech into the 21st century with an ambitious strategic plan. Thanks to her hard work, and the vision and dedication of her predecessors, generations of students will continue to flourish at Texas Tech Law. And our country will benefit from the expertise and passion that Tech's lawyers bring to their work.

I hope you'll join me today in congratulating Texas Tech Law on this milestone, and wishing them well for many years to come.

Guns up.

## TRIBUTE TO EAGLE SCOUT CODY GULDNER

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Cody Guldner of Altoona, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Cody saved the City of Altoona nearly $3,000 in labor costs by moving four planting beds with a total of eighty plants to a new site along a bicycle tunnel. This project involved extensive labor and took nearly 60 hours to complete. The work ethic Cody has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Cody and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

## ASTHMA INHALERS RELIEF ACT OF 2012

SPEECH OF

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 12, 2012*

Mr. GENE GREEN of Texas. Madam Speaker, I support the Asthma Inhalers Relief Act, H.R. 6190. This bill is simple; it will allow remaining stocks of Primatene Mist to be made available to asthma patients. This is a drug that was on the shelves for decades, but was removed due to environmental concerns regarding CFCs. Primatene was not removed due to safety concerns.

Limiting releases of CFCs is important and we must make sure that consumer products do not contain these harmful chemicals. However, the small remaining amount of Primatene poses no real threat to the environment and could potentially save the lives of Asthma patients in the midst of an attack. Right now there are no over-the-counter rescue inhalers available.

Releasing the remaining doses of Primatene is a temporary solution until a non-CFC inhaler is approved by the FDA. I have heard from constituents of mine who would greatly benefit from access to this medicine. If these inhalers endangered their safety, of course, it would not be appropriate to put them back on the shelves, but that is not the case.

I urge my colleagues to support this bill.

## IN REMEMBRANCE OF CHESTER E. GORDON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KUCINICH. Mr. Speaker, I rise to remember Chester E. Gordon, a resident of Lakewood, Ohio, for the last 50 years and a constituent of Ohio's 10th Congressional District. Chester, who was 81, died on September 15, 2012.

Chester Gordon was an attorney, scholar, soldier, and citizen. A 1948 graduate of Cleveland Heights High School, a 1952 graduate of Harvard College, and an alumnus of the 1955 class of Western Reserve (now Case Western Reserve University) School of Law, Chester started practicing law in 1956. He assumed the practice of his uncle, Harry Hemple, in Lakewood in 1963. He served in the U.S. Army on active duty in Washington, DC as an attorney from 1956 through 1958, and then practiced as a reserve officer until receiving his honorable discharge in 1963.

Chester was a lifelong Democrat and political enthusiast. He met his wife Stephanie, who shared his enthusiasm, on the presidential campaign trail of John F. Kennedy. They married soon after Kennedy's victory. They worked on and supported many candidates for political office. Their children learned politics alongside their parents. Their daughter Merle, whose first baby-steps were on door-to-door political campaigns with Chester and Stephanie, went on to serve several terms as a Cleveland city councilwoman representing Cleveland's Old Brooklyn and Brooklyn Centre neighborhoods in the 10th Congressional District. I am proud to be among the candidates for office for whom the Gordons campaigned.

Chester was a man of diverse interests. He was a long-time member and past president of Beth Israel the West Temple in Cleveland and a member of Beth El—The Heights Synagogue in Cleveland Heights. He was a subscriber and supporter of the Cleveland Orchestra for over 60 years. A wood turner, Chester was a member of the North Coast Woodturners. A loyal member of the City Club of Cleveland, Chester could usually be found at its Friday Forums each week. On Saturdays, Chester was a faithful shopper at Cleveland's West Side Market with his son David. Chester was also active in his alumni associations, was a long-serving member of the Harvard Scholarship Committee, and attended his 60th Harvard College reunion this summer.

In addition to Merle, David, and Stephanie, his wife of 51 years, Chester is survived by his son Abram and daughter-in-law Bess and their daughters Annie and LuLu of Cincinnati; daughter Rachel and son-in-law Joseph of Israel; son Derek and daughter-in-law Jen and

their children Sam, Henry, and Sophie of Tuscon, Arizona; and sister Sue Wintner of Pepper Pike, Ohio. Mr. Speaker and colleagues, please join me in remembering Chester Gordon and joining with his family and many friends who are mourning his loss.

## CELEBRATING COMPUTER SCIENCE EDUCATION WEEK

### HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. POLIS. Mr. Speaker, I express my support of Computer Science Education Week, which occurs this week to celebrate the teaching and learning of computer science in our public schools. The week highlights activities and advocacy to elevate computer science education for students at all levels.

Computer science is central to our Nation's global economic competitiveness. Half of the estimated 9.2 million STEM jobs that will be created by the year 2020 will be in computing. Major U.S. companies—Microsoft, Oracle and others—have such jobs available now but can't fill them because our schools aren't offering them. Despite this employment need, public schools in two-thirds of the states treat computer science as an elective and only 9 states require computer science for high school graduation. Meanwhile, very few states have computer science teacher certification and professional development, and public schools lack coherent computer science standards and assessments.

My bill, the Computer Science Education Act (H.R. 3014) would address these problems through supports to states, local school districts and higher education. So I urge you to cosponsor this bill, while joining advocates and businesses across the country in honoring Computer Science Education Week and supporting a concrete effort to increase American jobs.

## AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT (ASTD)

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. MORAN. Mr. Speaker, I rise today to acknowledge the American Society for Training and Development (ASTD) as the largest association dedicated to the training and development profession, recognizing them for their annual Employee Learning Week, held December 3rd through the 7th, 2012.

Members of ASTD come from more than 100 countries and connect locally in 120 U.S. chapters with 16 international partners. They work in thousands of organizations of all sizes, in government, as independent consultants, and as suppliers.

Established in 1943, ASTD is a leader in the training and development field. As businesses seek competitive advantages and growth, learning and development professionals make sure an organization's best asset, its employees, have the skills they need to help achieve business growth. ASTD serves this important community of professionals with research and resources.

To further these goals, ASTD has declared December 3rd through December 7th, 2012, as ''Employee Learning Week'' and designated time for organizations to recognize the strategic value of employee learning. I applaud ASTD and its members for their dedication to developing knowledgeable and skilled employees during Employee Learning Week.

I urge my colleagues to join me in supporting policies that commit to maintaining a highly skilled workforce.

## RECOGNIZING DR. MICHAEL OCHS'S 25 YEARS OF SERVICE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. SMITH of New Jersey. Mr. Speaker, Dr. Michael Ochs has announced his retirement from the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, which I chair. So at this time I'd like to pay tribute to him for his 25 years of service to the Commission. Michael began his work as a member of the professional staff on October 1, 1987, a time when the changes to come in what was then the Soviet Union were unimaginable. Yet within a few years, the Soviet Union had disintegrated, succeeded by newly independent states facing difficult and sometimes complex transition periods.

Dr. Ochs joined the staff of the Commission after completing his doctoral work in Russian history, and began his career by monitoring human rights abuses in the Soviet Union. He participated in the first international human rights conference to be convened in the Soviet Union, a meeting eventually interrupted by the KGB.

Following the breakup of the Soviet Union, Michael was an early voice promoting democracy, human rights, and the rule of law in post-Soviet states, particularly in the Caucasus and Central Asia. In the early 1990s, he traveled regularly to the region, working with authorities, opposition representatives, journalists and human rights activists to promote democracy and human rights, as well as participating in early OSCE election observation missions. This early involvement in the newly independent states gave Michael a remarkable depth of understanding of the region. His extensive network of contacts has made him indispensable to the Commission as well as other U.S. government agencies. He is certainly one of our government's top experts on the Caucasus and Central Asia.

Michael's extraordinary expertise has served the Commission well over the years, and has also been recognized and called on by other U.S. government agencies. He has earned a reputation for his thoughtful and thorough analytical skills, which are respected not only within the U.S. government, but also within the region by both opposition and authorities alike. He also is known for his outstanding language skills, including near-native proficiency in Russian, as well as a command of Polish, Azeri and several other languages.

Michael's tenure at the Commission has seen color revolutions in Ukraine, Georgia, and Kyrgyzstan, tragic massacres and violence in Uzbekistan and Kyrgyzstan, and steps forward towards democracy throughout the region, and, sadly, many steps backward in the region. He has worked hard to advocate for activists, journalists, and others arrested for opposing authoritarian regimes—and, sometimes against the odds—has been successful in getting individuals released from prison.

Mr. Speaker, I am pleased to recognize and commend Dr. Michael Ochs for his faithful service to the Commission and in defense of human rights and freedom. As he will be retiring at the end of this month, this is also a sad good-bye for me—I have known Michael almost since he joined the Commission, have traveled abroad with him, benefited greatly from his expertise, enjoyed his company immensely, and will certainly miss him.

## COMMEMORATING THE CITY OF OAK PARK

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LEVIN. Mr. Speaker, I rise to commemorate the City of Oak Park, and thank the residents of Oak Park who have provided me with the honor of representing them in Congress for 30 years. My beloved late wife, Vicki and I, enjoyed lasting friendships with so many in the community for many years. I have been proud to see the fabric of this community diversify racially and to watch it develop economically.

Historically, the area that was to become Oak Park existed within Royal Oak Township, and was first settled in 1840. The first major housing development came in 1914 when the township sold land to the majestic Land Company to be developed as the Oak Park subdivision. The subdivision was incorporated as a village on May 3, 1927. The village incorporated as city on October 29, 1945. Planned developments in the late 1950s resulted in Oak Park being named ''America's Fastest Growing City'' at one point.

I have enjoyed participating in so many activities and events in Oak Park like the annual 4th of July parade, Dr. Martin Luther King Day program and activities sponsored by your schools and your strong and vibrant religious institutions.

I was proud to host several events in the city including our Community Resource Fairs where we brought together Oak Park residents with county, state and federal agencies to that offered critical services within the community.

Mayor McClellen, who was preceded by long-time mayor Jerry Naftely, along with all of the dedicated City Council members and other local elected officials continue to move the City of Oak Park forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that the City of Oak Park and its residents are in good hands with Congressman GARY PETERS. My office will, of course, stay in close touch on issues that impact Oakland County and southeast Michigan as we all work together to revitalize our Michigan economy.

## COAST GUARD AUTHORIZATION ACT OF 2012 AMENDMENTS

SPEECH OF

### HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. LoBIONDO. Mr. Speaker, I understand a concern has been raised by the gentleman from Alaska, Mr. YOUNG and others that wording in Section 307 of the Coast Guard and Maritime Transportation Act of 2012 relating to a vessel's ''eligibility'' to participate in the non-AFA trawl catcher/processor sector could potentially be read to result in the loss of fishery endorsements for AFA catcher/processors. I can affirm that it is not the intent of the legislation that either existing AFA vessels or rebuilt or replacement AFA vessels suffer a loss of fishery endorsements merely for being considered eligible to participate in a fishery in which they are not participating.

As my colleagues know, this provision came as the result of a request from the other body during negotiations with them on a final text of the legislation. I can assure my colleagues that it was never contemplated that either existing AFA catcher/processors or rebuilt or replacement AFA vessels would lose, or be precluded from acquiring, fishery endorsements just because a federal agency might find such vessels eligible to participate in certain fisheries. The wording of Section 307, that amends 46 U.S.C. section 12113(d)(2)(C), relates to a section in statute pertaining to rebuilt or replacement AFA vessels. It creates restrictions on those vessels from entering the non-AFA pollock catcher/processor sector as replacement vessels, but it is not intended to affect the fishery endorsements for existing AFA catcher/processors or rebuilt or replacement AFA vessels that are not participating in the non-AFA trawl catcher/processor sector.

## HONORING THE WORK OF MARK RIDLEY-THOMAS

### HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. BASS of California. Mr. Speaker, I rise today to honor the work of a distinguished public servant from Los Angeles, Mr. Mark Ridley-Thomas. In 2008, Mr. Ridley-Thomas was overwhelmingly elected as the first African American man to the Los Angeles County Board of Supervisors. This past November, Mr. Ridley-Thomas' leadership was further acknowledged and he was unanimously approved by the Board to become the first African American man to chair the Los Angeles County Board of Supervisors.

First elected to public office over twenty years ago, Mr. Ridley-Thomas served with distinction on the Los Angeles City Council for nearly a dozen years. He later served two terms in the California State Assembly, where he chaired the Assembly Democratic Caucus. Thereafter, he served as a California State Senator where he chaired the Legislative Black Caucus and initiated unprecedented levels of cooperation and collaboration between the Black, Latino, and Asian-Pacific Islander Legislative Caucuses.

Mr. Ridley-Thomas is widely regarded for uniting civic engagement and government decision-making. In an effort to encourage neighborhood-based advocacy and citizen leadership, Mr. Ridley-Thomas established the Empowerment Congress which served as a model and predecessor for the citywide Neighborhood Councils. Through education, engagement, and empowerment, Mr. Ridley-Thomas equipped and inspired his constituents to confront prevailing racial and economic disparities and improve community and public policy outcomes.

Throughout his life, Mr. Ridley-Thomas has shown a dedication and passion for improving the health and wellness of communities by inspiring participatory engagement to provoke change. After earning a baccalaureate degree in Social Relations and a master's degree in Religious Studies, he further went on to receive his Ph.D. in Social Ethics from the University of Southern California focusing on Social Criticism and Social Change. He has devoted his life to the betterment of the people of Los Angeles County and has used his leadership to bring about effective change in Los Angeles County.

In addition to this exemplary public service, Supervisor Ridley-Thomas is deeply committed to his roles as father and husband. His wife Avis and twin sons, Sebastian and Sinclair, are shining examples of love and inspiration that Mr. Ridley-Thomas derives from his family and graciously shares with the community.

Mr. Speaker, I am proud to have called Mr. Mark Ridley-Thomas a friend and partner in the fight for social and economic justice. He has left an indelible mark on Los Angeles, and continues to inspire my work in Congress and people of Los Angeles. It is a great honor to recognize his work here on the floor today.

## RECOGNIZING THE SERVICE OF PAUL A. LEONARDI

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Paul A. Leonardi for his loyalty and commitment to the United States. He exemplifies a passion for serving others, and we must commend him for his hard work in keeping our country safe. After 28 years of dedicated service to the federal government, Paul is retiring to spend more quality time with his family.

In 1973, Paul joined the United States Air Force. He served as a Security Specialist and an Air Force Recruiter for over eight years. His various assignments in the military enabled him to travel all over the United States. Paul was stationed at the Strategic Air Command at Wurtsmith AFB, Michigan; the United States Air Forces in Europe Command at RAF Alconbury, England; the Air Force Logistics Command at Hill AFB, Utah; the Air Training Command as an Air Force Recruiter in Bay City, Michigan; and the Strategic Air Command at Minot AFB, North Dakota. Paul was honorably discharged in 1981. Paul's time in the Air Force prepared him well for his work at Immigration and Naturalization Service and the Department of Homeland Security.

Paul began working for INS in 1992 as an immigration inspector at the Orlando International Airport in Orlando, Florida. He was then transferred to Miami as a criminal investigator. Paul worked as a criminal investigator for several years before being promoted to the Joint Terrorism Task Force after September 11, 2001. A couple months later he was promoted to Supervisory Special Agent, and after a year, he relocated to Fresno, California.

In 2003, Paul continued his work as Supervisory Special Agent for Homeland Security Investigations, and in 2010, he was promoted to Resident Agent in Charge. His vast experience and knowledge made him perfect for the job.

Mr. Speaker, it should be noted that in addition to his countless gifts to our country, Paul has been a true champion for my constituents. He and his team have always been available to discuss issues and work together to make our Central Valley a better place. We are all grateful for Paul's unwavering commitment and leadership, but I know he will enjoy more time with his wife of 26 years, Barbara, his children and grandchildren. I ask my colleagues to join me today in recognizing the commitment, dedication, and success of Paul Leonardi.

## IN RECOGNITION OF CLEVELANDPEOPLE.COM

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of ClevelandPeople.com, a website designed to promote the more than 100 different ethnic and cultural people and events in Northeast Ohio.

ClevelandPeople.com strives to embrace the City of Cleveland's rich and ethnically diverse ethnic and cultural groups by promoting the ''tossed salad model.'' Opposed to the ''melting pot,'' a tossed salad model is designed to embrace and maintain unique cultures.

ClevelandPeople.com's work is an invaluable documentation and collection of text, videos and pictures of cultural events that occur throughout Northeast Ohio. They truly are creating ''an archive of this activity (ethnic and cultural events) that makes Cleveland so unique.''

In addition to being an archive of cultural events, ClevelandPeople.com has proven to be an invaluable resource to Northeastern Ohio residents, tourists and people seeking to relocate to the area. ClevelandPeople.com has information on nearly every ethnic and cultural group in the city and is also a hub for ClevelandPeople.com Ambassadors. These ambassadors are leaders among the dozens of cultural groups throughout the city and have proven to be invaluable contacts for members of the community and people new to the area looking to become involved with their respective ethnic groups.

Mr. Speaker and colleagues, please join me in recognizing the work and efforts of ClevelandPeople.com.

## COAST GUARD AUTHORIZATION ACT OF 2012 AMENDMENTS

SPEECH OF

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 5, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the Coast Guard and Maritime Transportation Act of 2012. This important bill provides the funding and policy support for all of the programs and missions of the United States Coast Guard. The bill also includes policy and statutory provisions that are important to the entire maritime industry. Part of what our U.S. flag vessel industry does is assist us in developing our energy resources offshore whether in the Arctic or elsewhere. This effort will help us achieve energy independence. Without these working boats being able to operate both domestically and internationally, we as a nation would be lagging even further behind. We need to do what we can to support vessels that can and will do this work.

One such provision in this Coast Guard bill addresses the tonnage situation of the vessel Aqueos Acadian. The world of tonnage measurement is an arcane and complicated subject. However, it is vital to the operation and economics of any vessel. In this case the Aqueos Acadian, in its original configuration in 1973 when she was built, was certified in Coast Guard documentation to be 274 Gross Registered Tons (GRT), which is the official domestic tonnage measurement. Later in her career, the vessel underwent modifications (addition of a closed-in ''shelter deck''), which increased her domestic tonnage (GRT) as well as her international tonnage, which is measured differently than domestic tonnage under the International Tonnage Convention (ITC) rules. Later still in the vessel's history, the modifications that increased the tonnage measurements were removed and the vessel's official documents were then issued by the Coast Guard and ABS to reflect that the GRT had been reduced to 275, almost exactly the original GRT of 274. Vessels that are greater than 300 GRT have safety and manning requirements that are substantially more complicated than vessels at or below 300 GRT. At the time of the certification of the down-sizing modifications reducing the GRT, the ITC tonnage was not reduced because the Coast Guard's ability to administratively reduce international tonnage, once it has gone up, is either extremely arcane or non-existent—even if the vessel's domestic and international tonnage has in fact been reduced.

Aqeuos Corporation purchased the vessel for offshore work and, as stated above, its official documents reflected that the GRT had been reduced to below 300 GRT. Relying on those Coast Guard and ABS issued documents, the company sought Coast Guard administrative help to reduce the ITC tonnage commensurate with the recognition that the GRT had been reduced (prior enlarging modifications removed). In the Coast Guard Authorization bill (H.R. 2838) just enacted this week, there is language that allows the company to keep operating the vessel under its current documentation (below 300 GRT) and allows time to complete the tonnage reducing modifications that were not done by the previous owners of the vessel but which the Coast Guard has said must be done. Unfortunately the ITC tonnage reduction remains incomplete. The provision does not restore the vessel's ITC tonnage to that of the GRT, once the tonnage reducing modification is made in dry dock. This second step would afford to the vessel the same result that other vessels in the Aqeuos Acadian's class have, which, through a previous legislative grandfather provision, allows those vessels' GRT and ITC tonnage to be the same. This second step would not give the vessel a competitive advantage relative to other vessels in the Acadian's class, rather without it the company is at a competitive disadvantage with those other vessels in its class. As time goes by the vessel is losing out on potentially millions of dollars of domestic and international work.

It may be that the ITC provides for recognition of the lower tonnage administratively, but the path is not clear whether such an administrative route exists. Again in the case of this vessel, it is essentially being restored to its original tonnage at the time it was built in 1973. I understand the concern addressed by the ITC of vessels substantially changing their size. A larger vessel should be regulated at a larger tonnage. However, I have not been made aware of any vessel that fits this fact pattern of being enlarged and then substantially altered to be restored to its original tonnage. Unfortunately, the way that the ITC addresses this situation is to forever assign a vessel a higher tonnage even if it in fact has been reduced. That is simply unfair. Other vessels of the same class which did not undergo the enlargement are now enjoying a lower ITC tonnage. The equities are that this vessel should be similarly recognized once restored. This is an equitable case for assigning it the ITC tonnage as though it had not undergone the earlier enlargement.

While there may be a way to do this administratively, that process has not been made clear and seems to be a maze of arcane International Maritime Organization procedures. Thus, the case for correcting the international tonnage for this vessel is a compelling one based on a unique situation. The recognition of such a unique case as this would not undermine the U.S. credibility or the ITC itself, or cause any backlash in the international community. This vessel should not be force fit into a regime that does not recognize its circumstance. We need vessels such as the Aqueos Acadian to develop offshore energy resources as soon as possible. This provision gets part of the job done and in time perhaps an additional measure is needed. In the meantime, I strongly urge the Coast Guard to develop an administrative solution and I ask the Coast Guard to consider all of the factors mentioned above.

## PASSING OF MR. FELMERS CHANEY

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. MOORE. Mr. Speaker, it is with a heavy heart that I write to express my sincere condolences to the family and friends of Mr. Felmers Chaney, a respected and influential community leader. A loving husband for 70 years, brother, relative, and friend to many in Milwaukee, he will surely be missed by all. He was loyal and committed to his family, the Milwaukee community, and the civil rights struggle. Felmers' death leaves a void, but his memory as a true ''servant leader'' provides a remarkable legacy and an example of a life well lived.

Felmers lived a life full of accomplishment and distinction during his time with us. He didn't shy away from controversy and exhibited extraordinary courage in the face of outright racial discrimination during his life. He was a pioneer on many fronts, starting his career in 1947 as only the fourth black officer with the Milwaukee Police Department. Due to his tenacity and failure to acquiesce to racial injustice, he was promoted and became the first black sergeant on the police force serving the department and Milwaukee for 36 years. He supervised roughly 20 officers in the department's 5th District—two or three of whom were black. These same leadership skills and his concerns for those living in Milwaukee's inner city, catapulted him into a leadership position as President of Milwaukee's NAACP in 1987. As its president for 12 years, Felmers was a formidable advocate on behalf of the black community. He spoke out on issues involving the lack of equal access to housing, jobs, education, and he was party to the ''redlining'' lawsuit that successfully challenged the practice of denying mortgages to blacks.

Felmers was not only known for his fight in the civil rights arena, but also for his role in creating economic development opportunities in the inner city. Because of his interest in building up the black community and developing job opportunities, he became the President of the Central City Development Corp., which built the Central City Plaza, a motel and shopping center on 6th and Walnut Street. This further led to his becoming the founder and president of North Milwaukee State Bank, Wisconsin's first black-owned bank. In addition to his years as NAACP president, Felmers also served as president of the Milwaukee Urban League, and in 2000, Gov. Tommy Thompson dedicated Milwaukee's new men's correctional center on N. 30th Street as the Felmers 0. Chaney Correctional Center.

Mr. Speaker, the Milwaukee community stands in awe of all that Felmers did to give back to this community. He has left an indelible mark on me and on those who have chosen to enter public service as a career. Felmers has left a beautiful legacy through his family. Our community and the Fourth Congressional District of Wisconsin is a much better place to live and work because of him. I thank him for the many families and individual lives he touched over the years.

May God be with all who mourn in the days and months ahead. Along with my staff, I send my thoughts and prayers.

## TRIBUTE TO EAGLE SCOUT MICHAEL GREENFIELD

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Michael Greenfield of Clive, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Michael presented a Food Allergy Safety Seminar to a variety of local groups. The work ethic Michael has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Michael and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

## IN HONOR OF MR. ROBERT MACLEOD

### HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of Mr. Robert MacLeod, and his service to the United States of America as a member of the United States Coast Guard.

Due to his exceptional service in the Coast Guard, Mr. MacLeod was awarded the Vietnam Service Medal with two bronze stars, the National Defense Service Medal, and the Vietnam Campaign Ribbon with Device. After serving our nation during the Vietnam War, Mr. MacLeod co-founded the Metrolina Vietnam Veterans Association in Charlotte, NC. He was the inaugural president of the United States Coast Guard Lightship Sailors Association of America at its inception, and led efforts for the establishment of numerous monuments honoring men and women who have served our country.

Today, I ask all Members of Congress to join me in honoring Mr. MacLeod, a great American, and resident of North Carolina, the state which I am proud to represent.

## HONORING FORMER SENATOR GEORGE McGOVERN

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. McGOVERN. Mr. Speaker, my dear friend, Senator George McGovern, passed away last October at the age of 90. He represented the best of the Democratic Party and the best of American politics. His voice and decency will be missed.

I submit two articles that pay tribute to this remarkable man.

[From the Nation, Oct. 22, 2012]

GEORGE MCGOVERN, THE ''ATTICUS FINCH'' OF AMERICAN POLITICS

(By Jim McGovern)

George McGovern lived to be 90. By any measure, he had a long and productive life. Yet I can't help but feeling sad—not just because I lost my most treasured friend—but because the world lost a consistently steady and refreshingly liberal voice of sanity and common sense.

To me, George McGovern was the ''Atticus Finch'' of American politics. Like the main character in Harper Lee's brilliant novel To Kill A Mockingbird George McGovern spoke the truth even when—especially when—it was uncomfortable.

He spoke the truth about the folly of Vietnam and our excessive military budget. He spoke the truth about corruption in the Nixon White House. And he spoke the truth about the tragedy of hunger in the United States and around the world. He paid a heavy political price for his candor and honesty. But as he always said, ''there are worse things than losing an election.'' George McGovern never lost his soul and he never betrayed his conscience.

In 1997, when I was being sworn-in as a freshman member of the United States House of Representatives, I asked him to stand by my side as I took the oath of office. During a rather long ceremony leading up to the big moment, I asked him if he had any advice. He gave me the same advice he received when he started out: ''If you want to be a good member of Congress you have to get over the fear of losing an election.''

Having just won a close, hard-fought election, I was expecting him to say: ''keep your head low'' or ''don't make any waves.'' But George McGovern believed that serving in Congress was a rare privilege, that it was an opportunity to move the country forward instead of a constant struggle to get oneself reelected.

I have tried to heed that sage advice as much as possible—although, to be perfectly honest, I haven't yet completely gotten over the fear of losing an election!

My first encounter with Senator McGovern was from a great distance in 1972. As a 7th grader in Worcester, Massachusetts, I tried mightily to get him elected President of the United States. While he lost 49 states, he did carry Massachusetts.

During my college years, I interned in his Senate office, and then in 1984, I ran his Massachusetts campaign when he tried again for the presidency. I will never forget his powerful appeal to voters to stay true to their own principles and values when he declared, ''Don't throw away your conscience.''

George McGovern was perhaps the most courageous man I've ever known. And it was not just because he was a bomber pilot in World War II, fighting against Hitler and winning the Distinguished Flying Cross for his service. I admired him for his guts, in being who he was, in conservative South Dakota. To oppose the war in Vietnam was not easy in the early 1960s. Yet, George McGovern's valiant and sincere position was right, and the voters of his home state sent him to the United States Senate three times.

He came across as a gentle man but he had a spine of steel. He was decent and kind. He wasn't afraid of the political consequences of his liberalism and never trimmed his sails for the convenience of the moment. His steadfastness used to drive his staff crazy. But every one of them knew they were working for a great man.

Senator McGovern was obsessed with the issue of hunger. He was ashamed that in the richest, most powerful nation on the planet, millions of our fellow citizens don't have enough to eat. He led the efforts in the Senate—along with Senator Bob Dole—to expand food and nutrition programs.

He also couldn't tolerate the hundreds of millions of people all around the world who were hungry. I will never forget attending a meeting with the Senator and President Clinton in 2000, when George McGovern proposed an international program aimed at guaranteeing every child at least one nutritious meal a day in a school setting. Bill Clinton listened intently and then said, ''Let's do it.'' That was the magic of George McGovern; he could get you to believe that anything was possible. And today, the McGovern-Dole Food for Education Program is feeding millions of kids and helping them get an education.

At a recent celebration of his 90th birthday, he told me he wanted to live another 10 years to ensure that hunger on this planet is no more. He had a lot more work to do.

Like Atticus Finch, George McGovern never gave up. He loved his country and dedicated his life fighting for what is ''just and noble in human affairs.'' The world is going to miss George McGovern. I already do.

[Center for American Progress, Oct. 25, 2012]

THINK AGAIN: GEORGE MCGOVERN—A LIFETIME OF CONSCIENCE AND COURAGE

(By Eric Alterman)

George McGovern's passing on Sunday at the age of 90 provides further evidence, as if any were needed, that if you live long enough, even your adversaries will end up singing your praises. Consider first these attacks on the late senator and presidential candidate in the 1972 election.

Writing a few years ago in the journal Democracy, American historian and journalist Rick Perlstein quoted the following attacks on Democratic candidates by various Democrats and liberals:

In 2003, Al From and Bruce Reed with the Democratic Leadership Council wrote, ''What activists like [Howard] Dean call the Democratic wing of the Democratic Party is an aberration: the McGovern-Mondale wing, defined principally by weakness abroad and elitist, interest-group liberalism at home.''

The very next year, a Democrat worrying that Sen. John Kerry (D–MA) was veering left on Iraq during his run for the presidency was quoted in The New York Times saying the 2004 presidential nominee was ''[c]oming off like George McGovern.''

When Ned Lamont won the 2006 Connecticut Democratic primary for the U.S. Senate but lost in the general election to Sen. Joe Lieberman (I–CT) who ran as an independent, political journalist Jacob Weisberg recalled in the Financial Times how McGovern lost 49 states in his presidential run because of ''his tendency toward isolationism and ambivalence about the use of American power in general.''

Then there's Martin Peretz, the former owner and publisher of The New Republic, America's alleged flagship liberal publication for 37 years, who explained, ''I bought The New Republic to take back the Democratic Party from the McGovernites.''

This cliched version of McGovern's politics was never accurate, but it became a stick with which hawkish journalists and politicians tried to beat back dovish ones. In fact, no Democrat, and perhaps no modern politician at all, can be said to have shown more courage, more grit, and more determination than George Stanley McGovern.

Yes, folks, the ''elitist'' liberal was born in the 600-person farming community of Avon,

South Dakota, and grew up nearby in the equally small town of Mitchell. A bashful son of a Methodist minister, McGovern grew wary of ''the excessive emotionalism of some evangelists'' as he came of age in an America where his father was occasionally compensated not in cash but in cabbage.[1]

As his Wikipedia entry explains:

[McGovern] volunteered for the U.S. Army Air Forces upon the country's entry into World War II and as a B–24 Liberator pilot flew 35 missions over German-occupied Europe. Among the medals bestowed upon him was a Distinguished Flying Cross for making a hazardous emergency landing of his damaged plane and saving his crew.

Upon returning and earning a bachelor's degree from tiny Dakota Wesleyan University, the young veteran did a brief stint at Garrett Seminary in Chicago before enrolling in the graduate history program at Northwestern University, eventually earning his doctorate. There, McGovern would both anticipate and then echo revisionist Cold War historians, among them William Appleman Williams and Fred Harvey Harrington, who held that Harry Truman and company, rather than Stalin's Soviet Union, were largely responsible for causing the Cold War. McGovern explained that ''we not only overreacted'' to the Soviet Union but ''indeed helped trigger'' the Cold War ''by our own post-World War II fears.''[2] He wrote his doctoral dissertation on the 1913 Colorado coal strike, and his research would later lead him to demonstrate much greater sympathy for unionized workers than pretty much any other Farm Belt politician.

McGovern taught briefly at Dakota Wesleyan College before returning home to South Dakota to undertake yet another unlikely and quite daring adventure—to almost single-handedly build the state Democratic Party organization. He had to scrounge to stay afloat, sleeping on friendly couches or in his car as he crisscrossed the state, personally recruiting 35,000 new Democrats.[3]

He then deployed the organization to run for Congress in 1956 and later for the U.S. Senate. He lost his 1960 Senate bid (and lost his House seat in the process) but succeeded two years later—serving as the head of the Kennedy administration's Food for Peace program in-between, marking a lifelong commitment to feeding the hungry worldwide, and making valuable friends inside the administration.

McGovern first came to national prominence toward the end of the 1968 campaign for the Democratic nomination for the presidency. Following the June 6 assassination of presidential candidate Robert F. Kennedy in Los Angeles, his devastated supporters first tried to convince his younger brother Ted Kennedy to assume the mantle of RFK's peace-and-civil-rights-themed campaign. But Ted was in no shape, physically or emotionally, to do so. In one of history's forgotten footnotes, McGovern took up the cause.

Announcing his candidacy in the Senate caucus room in August 1968, McGovern explained what prompted his decision:

Vietnam—the most disastrous political and military blunder in our national experience. That war must be ended now—not next year or the year following, but right now. Beyond this, we need to harness the full spiritual and political resources of this nation to put an end to the shameful remnants of racism and poverty that still afflict our land.[4]

McGovern's goal was to try to reanimate the antiwar passion of the Kennedy crusade with his own brand of simple Midwestern morality. ''I wear no claim to the Kennedy mantle, but I believe deeply in the twin goals for which Robert Kennedy gave his life—an end to the war in Vietnam and a passionate commitment to heal the division in our own society.''[51] Though he was not well known, Robert Kennedy had judged McGovern to be ''the most decent man in the Senate,'' and he was hardly alone in this view.[6]

Following the disastrous 1968 presidential contest, which saw Richard Nixon elected (beating then-Vice President Hubert Humphrey), McGovern returned to the Senate and became its leading voice on Vietnam. He co-sponsored an amendment with liberal Republican Sen. Mark Hatfield of Oregon to cut off funding for the war by the end of December 1970. McGovern was so committed to the cause that he refinanced his house to pay for airtime on behalf of his bill.

Taking to the floor of the Senate, McGovern broke all previous protocol and accused ''every senator in this chamber'' of being ''partly responsible for sending 50,000 young Americans to an early grave. This chamber reeks of blood,'' he said.[7] It was only his colleagues' fondness for him and their appreciation for his sincere anguish over the war, which inspired this unprecedented attack, that allowed his relationships in the body to survive this serious break with the Senate's tradition of comity and collegiality.

After failing to move his Senate colleagues, however, McGovern took his arguments to America's universities where antiwar fervor was high among both students and faculty.[8] His traveling and his remaking of the Democratic Party went hand in hand as students and peace activists flocked to his cause. McGovern announced his presidential candidacy in January 1971.

McGovern's young staff worked until exhaustion pushing their candidate to frontrunner status in the Democratic primaries and eventually to winning the party's 1972 presidential nomination. But it was in many respects a pyrrhic victory, as the Democratic party was broken in half, with its more conservative and establishment-oriented members sticking firmly to the ''Anybody but McGovern'' stance—a strategy that had failed to slow the McGovern juggernaut on its way to the Miami convention.

McGovern's organization, together with the party's new rules that he had helped to draft, changed the nature of the nominating process and were key to his convention victory. While women at the 1968 Democratic National Convention constituted just 13 percent of delegates, they comprised 40 percent in 1972.[9] Just as important, old-style political bosses and their minions were successfully kept away. The delegation from Illinois, led by Chicago Mayor Richard J. Daley, was rejected for its dearth of women and younger members and replaced by one led by the Rev. Jesse Jackson.( 10) And of the New York delegation, AFL–CIO president George Meany reportedly complained, ''They've got six open fags and only three AFL-CIO representatives!''[11]

As liberal a candidate as any major party had ever nominated, McGovern gave a magnificent acceptance speech at the 1972 Democratic National Convention, but almost nobody saw it as the chaotic convention could not be brought to order for it to be delivered before 2:45 a.m., long after its television audience had gone to bed. Almost all that was remembered of his speech were the words ''Come home, America,'' which even in the age of declining support for the disastrous Vietnam War would prove a decidedly double-edged sword. The slogan was manipulated by his opponents to imply the unfair ''isolationism'' charge, rather than McGovern's clear intent, which was to prioritize America's problems at home, rather than abroad.[12]

In a 2004 interview McGovern said he thought ''if the country had heard me for 45 minutes in prime time, it might have changed the outcome of the election. . . . it doesn't mean we would have won, but the first impression would have been a very favorable one.''

The press, however, was never enamored with McGovern nor the changes his supporters sought to bring to American politics—this despite the widespread belief that Nixon and company were up to no good, especially with regard to that odd break-in at Democratic headquarters at the Watergate complex. Columnists Rowland Evans and Robert Novak quoted an anonymous Democratic colleague—later revealed, amazingly, to be the man who ended up (briefly) as McGovern's running mate, Sen. Thomas Eagleton—saying McGovern was the candidate of ''acid, amnesty and abortion.''

That label was repeated endlessly, to the point where America's most influential pundit, The New York Times's James Reston, in his column the Sunday before Election Day, said ''the thought that the American people are going to give Mr. Nixon and his policies and anonymous hucksters and twisters in the White House a landslide popular victory . . . is a little hard to imagine.'' And yet of the 1,054 dailies surveyed by Editor and Publisher, 753, or 71.4 percent, endorsed Nixon; only 56 papers backed McGovern.[13]

Of course the view of McGovern that permeated the media for decades was exactly wrong. Not only was he no elitist, pacifist isolationist, or hippie, but he was actually more willing to use military force than most of his Senate colleagues, whether Republican or Democrat, under the proper circumstances. In 1978, for example, he called for an international military force to oust the genocidal dictator, Pol Pot, from Cambodia—a move that, had it happened, might have saved millions of innocent lives.

Clearly, McGovern had the kind of courage that led him to say and do whatever he thought was right, regardless of what it led others to say about him. When he felt that his party was moving too far right in 1984, he risked ridicule again by challenging his party's presidential candidates in the primary season, even suggesting that one of his opponents and the party's eventual nominee Walter Mondale's calls for higher taxes to pay for essentially Republican goals was not the best direction for the Democratic Party to take. His key phrase, ''Don't throw away your conscience,'' was a decidedly politics-free declaration at the time (and ours).

McGovern was mocked and attacked for this by most pundits, including the ''dean'' of the national press corps, The Washington Post's David Broder. Still McGovern campaigned on distinguishing himself by forcing the rest of the Democratic candidates to direct themselves to a panoply of issues they would have preferred to ignore. By the time he bowed out of the primary race, Broder issued an apology in his syndicated column, which McGovern framed and hung on the wall of his dingy Washington, D.C., campaign office above a Dupont Circle Greek deli.

McGovern spent the balance of his post-political career working to reduce world hunger. As writer and blogger Rich Yeselson writes in The American Prospect, with ''Robert Dole, a Prairie politician of a different, but also recognizable ideological lineage—he rationalized the Depression era food stamp program, and it became one of the most important low-income stabilizers of the American social insurance state.''

In McGovern's final book, What It Means to Be a Democrat, released in November 2011, he worries about what he calls the ''insidious'' political air of Washington, driven in part by liberals'' inability to expose and defeat the ''extremism'' of the new conservative movement. ''We are the party that believes we can't let the strong kick aside the weak,'' he writes. ''Our party believes that

poor children should be as well educated as those from wealthy families. We believe that everyone should pay their fair share of taxes and that everyone should have access to health care.''

Such unapologetic open-heartedness might not appeal to many pundits but it took more courage, toughness, and patriotism to keep fighting for them for more than seven decades without rest despite the mockery and derision of those deemed to be the ''responsible'' ones.

I had dinner with McGovern during the 2008 presidential campaign. We discussed our hopes for that election, and he told me that at no time during those years did not he feel himself to be fighting for causes that were, in most politicians' minds, marginal. And neither, I can tell you, did McGovern ever consider dropping those issues and causes and allowing himself a more pleasant and less demanding life.

A final footnote: The only staffer working in that dingy Greek deli in 1984 was a youngster also named James McGovern (no relation). Thirteen years later, George McGovern stood by a still-pretty-young James as he took the oath as a freshman member of the 105th Congress, representing the 3rd Congressional District in Massachusetts, where he remains today as one of America's most far-sighted, idealistic, and simultaneously, tough-minded representatives—in other words, a genuine ''McGovernite.''

ENDNOTES

[1] George McGovern, Grassroots: The Autobiography of George McGovern (New York: Random House, 1977), 5.

[2] Ibid., 41.

[3] Bruce Miroff, The Liberals' Moment: The McGovern Insurgency and the Identity Crisis of the Democratic Party (Lawrence: University Press of Kansas, 2007), 33.

[4] Quoted in: Gloria Steinem, Outrageous Acts and Everyday Rebellions (New York: Holt, Rinehart, and Winston, 1983), 87–88.

[5] McGovern, Grassroots, 121.

[6] Quoted in: Hunter S. Thompson, Fear and Loathing: On the Campaign Trail '72 (New York: Warner, 1973), 127.

[7] Miroff, The Liberals' Moment, 38.

[8] Ibid., 43.

[9] Bruce Schulman, The Seventies: The Great Shift in American Culture, Society, and Politics (New York: DaCapo, 2001), 166.

[10] Justin Vaisse, Neoconservatism: The Biography of a Movement (Cambridge: Harvard University Press, 2010), 84.

[11] Meany is quoted in: Philip A. Klinkner, The Losing Parties: Out-Party National Committees, 1956–1993 (New Haven: Yale University Press, 1994), 106.

[12] Theodore White, The Making of the President, 1972 (New York: Atheneum, 1973), 196–197.

[13] James Baughman, The Republic of Mass Culture: Journalism, Filmmaking, and Broadcasting in America Since 1941 (Baltimore: Johns Hopkins University Press, 1992), 177.

## ''I'M EOD''—A TRIBUTE TO AN AMERICAN HERO—SSGT JOHNNY MORRIS, 2ND EOD, THE UNITED STATES MARINES

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mrs. MYRICK. Mr. Speaker, I rise today to honor a great Son of The South, SSGT Johnny Morris of 2nd EOD The United States Marines and his family of Loxley Alabama. Johnny has one of the most dangerous jobs in The United States Marines, and on July 2nd 2011 SSGT Morris was almost killed in an IED blast as he was sweeping for explosives. He lost his leg and almost his life, but he never lost his faith or his courage. Him and his lovely wife Natalie and their new son Gage are a great American story and family. All you need to do is spend 10 minutes with this young man and you will walk away inspired and impressed. They make us all proud to be Americans. I submit this poem penned in in his honor by Albert Caswell.

I'M EOD

I'm EOD . . .
So don't mess with me . . .
I'm country and I like it . . .
I'm a United States Marine!
And I Roll with The Tide . . .
And whenever they win National Championship,
it makes me so all warm so inside . . .
I've got a beautiful wife,
and Natalie she's but the love of my life . . .
And I'm EOD and I'm as bad as can be!
And now our baby son Gage,
he makes it three!
Because,
in this US of A . . .
there's nothing you can not so be!
And I'm all dressed in those Most Magnificent Shades of Green,
that's where you'll see me convene!
For as long as you work hard,
and in your self so believe . . .
That's why this Father's son,
became oh yes one of those few ones so indeed . . .
Who stand ever so tall,
and so protect us all . . .
Yea, and so fight to be free . . .
yea that's The Leather Neck all in me!
All dressed all in Those Most Magnificent Shades of Green . . .
Oh yes,
I am so proud as can be . . .
But to be a United States Marine!
So let it be said,
that I'm ajar Head and so proud so to be!
Yes, I'm EOD,
and I'm as bad as can be!
Because, me and my brothers . . .
my fellow Marines . . .
So go where angels so fear to tread,
as ever we're seen!
Right there but on that very edge death,
if you know what I mean . . .
Because, we are EOD and we are as bad as can be!
While, in one another we all do so believe!
As a Band of Brothers so all dressed in Green!
Doing what most people would not so choose to be!
Being EOD!
But, I do it all again . . .
But for my sweet Country Tis of Thee,
as to her all of our lives are so pledged and that's how it's going to be!
For it's better to die for something,
than to live for nothing at all!
And that's why I put my boots on,
and I so answered that call . . .
That Call To Arms!
Because, I'm EOD . . .
so don't dare mess with me!
And I'm as bad as can be!
With nerves of such steel!
Remember, Superman is not real!
But I am you see!
But, we are the 2nd EOD!
As on each new day,
it's with death that we so play!
Yea, I lost my leg . . .
but I won't moan, and I won't beg . . .
And I'd do it all over again,
because I'm so proud to say that I took that stand!
All so my wife Natalie,
and my son Gage can live in a free land that is so free . . .
As here I so stand,
with my family in hand and a smile on my face . . .
It's just a speed bump on the road of life,
and I have no regrets and as I'm not losing pace!
So you better start running,
if you want to catch up to me so don't wait . . .
Because, I got nothing to complain about . . .
compared to all of my Brothers who are now in the ground . . .
As why I so honor them on each new day,
as I so awake with a smile on my face . . .
And for them I will always so feel the wind in my face,
and so carry them with me so every place!
As I take what my Lord has so given to me,
as I'm just glad to be back in these here The United States!
All in this most beautiful place . . .
That we call The U. S. Of A.
In soon back in sweet Alabama hip . . . hip . . . hooray!
And when I'm so done my rehab,
I'm going back to my sweet home Bama one day . . .
Living large,
and grow old and so grey!
Because, when you've lived on the edge of death . . .
And you've so witnessed your magnificent Brother's own death . . .
With tears in your eyes,
while holding them tight,
as they give them last rites . . .
As than you so understand,
just how lucky you are man, just to be alive!
And how you are so very blessed,
to have so known such magnificent men such as this!
And carry them in your hearts each day!
And for all of them now,
I will so live a great life to make them so proud!
And to all of their children and to all of their wives,
and to their moms and their dads standing here with tears in my eyes . . .
I will always let them know that they were but the best,
and in our hearts so keep them alive!
Because they were EOD,
and were as brave as could be!
Yea, Heroes like you SSGT Morris,
have our Country Tis of Thee So Blessed!
As They So Teach Us!
And So Beseech Us!
As we so watch their fine hearts so crest . . .
Yea, Johnny your EOD . . .
and oh how do you make me so proud but be an American you see!
I could climb way up,
but to the highest mountain top . . .
But still,
I could never so reach as high as you Morris,
where you now so stand high atop!
As an American Hero,
and you and your family are but the very best that we've got!
For Only The Few!
For Only The Brave!
For our Nation their hearts so gave!
And so teach all just how to behave,
yea SSGT Morris you're the cream of the crop!
And that's why you and your family,
America so loves and we will never stop!
And yea You are EOD,
and You are as bad and as brave as can be!

And if ever I have a son,
I wish he could be like this one!
One of Alabama's bravest of all ones!
For Heaven so awaits,
for such men of courage and faith,
all so dressed all in green!
Because, he's EOD and as bad as can be!
And his name is Johnny!

## REDUCING GUN VIOLENCE

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Ms. SLAUGHTER. Mr. Speaker, I rise today to mourn those who were killed in Newtown, Connecticut last Friday, and begin the urgent work of stopping tragedies like this from ever happening again.

Let us be clear—there can be no better tribute to the innocent children and educators who were killed in Newtown than to finally address the out-of-control gun violence that kills tens of thousands of Americans every year.

In answering the call, Congress must look to enact a comprehensive and commonsense reform to our nation's gun laws, and renew our commitment to a mental health system that has been neglected for far too long.

We can begin by taking the most dangerous and deadly weapons off our streets. That means we must do more than simply reinstate the Assault Weapons Ban of 1994. We must strengthen that law by including language that retroactively applies to weapons already in possession, so that law enforcement can finally remove all assault weapons from our communities.

These weapons serve no purpose other than to kill human beings. Our colleague, Senator JOE MANCHIN, today said the following: "I just came with my family from deer hunting. I've never had more than three shells in a clip. Sometimes you don't get more than one shot anyway. It's time to get beyond rhetoric, it's time to sit down and move in a responsible way." He continued to say that limiting the size of a gun magazine to even 10 bullets should be on the table when it comes to reforming our laws and ending gun violence. I couldn't agree more, and believe that no weapon that is designed with the primary intent to kill people should be out on our streets.

This also means that this Congress must look at the types of bullets that are sold today. The perpetrator who murdered more than 20 innocent children took their lives with bullets that were designed to break up inside a victims body and inflict the maximum amount of damage to internal organs, bones and tissue. There is no legal activity in our country that requires the use of such deadly bullets. They should be included under any renewal of an Assault Weapons Ban.

In addition to removing the most deadly weapons from our streets, we must also close the so-called "fire sale loophole" and "gun show loophole"—two products of a powerful gun lobby that must be brought to heel. Because of these loopholes, more than 40 percent of all guns sold in the United States are sold without the buyer undergoing a federal background check.

We require anyone who wishes to drive a car to prove that they can safely operate a vehicle, yet when it comes to buying a gun, almost half all buyers do not have to prove they will safely operate such deadly weapons. In a country of 315 million people, there are almost 280 million guns owned. Of those 280 million guns, almost 112 million of them will have been purchased without a background check. Were they purchased by law-abiding citizens or by troubled individuals who may endanger lives? Because of irresponsible legal loopholes, we simply do not know.

No more. It is time that we require anyone in the United States wishing to purchase a gun to pass a federal background check. I am a co-sponsor of H.R. 263, the "Fire Sale Loophole Closing Act" and H.R. 1781, the "Fix Gun Checks Act", and urge the Leadership of this Congress to bring both bills to the floor for a vote.

Finally, our work is not complete unless we improve our nation's mental health system. For years, experts have known how to improve our mental health care system, but a lack of political will has led to its continual decay.

Such failure has a very real impact on the health and well being of thousands of our fellow citizens everyday. Instead of accessing the care they need, they are often left on their own to deal with illnesses that they have little power to control. Place these troubled individuals in the vicinity of a deadly weapon, instead of the care of a mental health care provider, and tragedy can result.

If we are to succeed in our efforts to prevent more gun violence tragedies then an improved mental health care system is part of the solution.

I believe we must respond by drastically improving our community-based mental health services—including mobile crisis services, assertive community treatment, peer supports and supportive housing. These important mental health programs are in short supply all across our nation, which means that thousands of our friends and neighbors who desperately need help are stranded with nowhere to turn.

While no legislation can undo the terror that was done in Newtown, Connecticut, our nation has a moral obligation to act with the utmost urgency to reduce gun violence and save innocent lives. It is long past time to get to work, and I am ready to begin that work today.

## "FOLLOW ME"—IN HONOR OF RET. SPC. JIM MAYER, THE UNITED STATES ARMY, THE MILKSHAKE MAN, AND HIS AID AND COMFORT TO OUR WOUNDED WARRIORS

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mrs. MYRICK. Mr. Speaker, I rise today to honor a great American, Ret. Spc. Jim Mayer and all of the thousands of Disabled American Veterans out across America who are making a difference in the lives of our newly returning wounded warriors. He is a former native of Missouri, who lost both of his legs when he stepped on a mine two months in his first tour in Vietnam. I submit this poem penned in his honor by Albert Caswell.

FOLLOW ME

Follow Me . . .
I'll walk with You . . .
Follow me in all I do . . .
For I was once just like you . . .
A young man, who went off to war . . .
All for my Country Tis Thee, with such burdens bore . . .
So strong and bold, and so self assured . . .
So dashing there, all in uniform . . .
Follow me, I'll lead the way . . .
to somehow help you move on this day . . .
As I bow down my head, and for you I now so pray . . .
For I was once like you, just moments away from my grave . . .
As I too, remember that fateful morning as I awoke . . .
While, against all odds there seemed no hope!
As I so too, had such tears in my eyes as invoked!
And too so wondered, so wondered how I would cope!
When, all that I had so left . . . was but only hope!
Follow me, they call me The Milkshake Man!
For I have walked that walk!
And I know you can!
All in your shoes, as I so too have had all of those same such thoughts!
As I so understand, how much you have to gain!
And how much so too you have lost, all in your pain!
So don't give up! And don't give in!
Let go of such thoughts, my friend!
Lift up your head, and raise that chin!
Follow me, for this is how your first steps begin!
So begins with you my friend . . .
For you will learn to walk again . . .
Or somehow replace your arms, your hands, your eyes my friend . . .
All with that heart which beats with in!
For you can live or you can die?
Or you can so feel so very sorry for yourself, with tear in eye . . .
Or with each new step, you can but let your fine soul rise!
And oh yes, you will have many . . . many . . . dark days ahead . . .
Follow Me, take my hand . . . and listen to what my life has said!
Walk with me, listen to your heart instead!
For your fine Life is worth living, and you're not dead!
Live for all of your Brothers and Sisters, who so died for you instead!
For them, feel the breeze on your face . . .
And at night take them with you to bed!
Follow me, there's so much more to be said!
For my Son, my Daughter . . . I was once like you . . .
With all of that anger and hate inside of me, and such self doubt too!
For I know where your are going, and I know where you have been!
And oh yes, I know that its not fair . . . but these are war's deadly sins!
All in what it can so do, to such magnificent women and men . . .
For I was once like you, right on that edge!
All between life and death!
Follow me, and I promise you . . . your fine life will be blessed!
As you Bless Our World, with all of your gifts . . .
As you so teach us all, that hope and faith are alive and still exists!
And that your fine life, is one that is so worth to living this!
For what you give, is what you get!
For the best is still yet to come, as so is yet!
Follow me, and yes it will be hard!
For now it's time, to do your part!
Lead my Son, lead my Daughter . . . lead but with your great heart!

Rise Up . . . Rise Up my Son . . . my Daughter,
into now such a fine work of art!
Follow me, and take my hand . . .
As all of your great pain, I do now so understand!
For up in Heaven you need not arms or legs . . . nor eyes so made!
And that's where we will all so meet again, on one fine day . . .
Listen to these words I say, and you will find your way!
As over this hospital bed, I now so stand . . .
With tear in eye . . .
Looking at you, finding it so hard not to cry . . .
As these words I will say, ''Follow Me . . . and Take My Hand''!
Walk with me, and one day because of your faith and courage you will stand!
And I will be the one, following you my friend!

## COSPONSORSHIP OF H. RES. 832

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mr. CONYERS. Mr. Speaker, I rise today to express my appreciation to my colleague, Mr. PETERS of Michigan, for joining as a cosponsor of my resolution, H. Res. 832, observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy. Due to an error by my staff, Mr. PETERS was not added as an original cosponsor of the resolution.

## ''I'M YOUR CAPTAIN''—IN HONOR OF CAPTAIN ATOINE BATES, 1ST BATTALION 5TH MARINES, THE UNITED STATES MARINES

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 17, 2012*

Mrs. MYRICK. Mr. Speaker, I rise today in honor of a great American Son from Ohio, Captain Atoine Bates of The United States Marine Corps. Captain Bates, while out on patrol with his men on June 26, 2011 in Sangin in Afghanistan, almost lost his life in a IED explosion. He lost his leg and sustained numerous other life threatened injuries at the time. Captain Bates has always been a leader. Already, in such a short time he's made a great recovery over at Walter Reed. His example to our nation and to his men inspire us all. He plans to stay in the Marines, for he was born to be a United States Marine. Families are the key component to recovery, and his has been there for him from the very beginning. His father like many other families has stopped what he was doing to be with him every step of the way. I submit this poem penned in honor and his recovery by Albert Caswell.

I'M YOUR CAPTAIN

I'm. . .
I'm your Captain . . .
Follow me . . .
I will lead!
For we all so proudly wear those most magnificent shades of green!
For we all are The United States Marines!
One of the greatest things,
that this country has ever seen!
Men and Women,
of honor bright . . .
Who so go off to war to win that battle,
to win that fight!
All for God and Country,
are but our burdens bore . . .
As we all so march off out into that darkness for sure!
For we all so live and so die,
for something far much more greater and do not ask why!
While, marching out into that face of hell as our colors fly . . .
For where you go men,
will go I!
Out in front,
into that face of death as upon each other we so rely!
As Brothers In Arms,
for each other we are all so willing to die!
All in that name of freedom,
we all so wear that uniform to reach new heights!
As one,
together we all so bond!
As brave hearts we move out and move on!
To so soar!
For We Are All The United States Marine Corps!
Follow me,
and I will lead!
So willingly for you Marine,
I will die and I will bleed!
So proudly,
all in those Magnificent Shades of Green!
As it was out on that fateful day!
While, on patrol . . . .
when an IED explosion almost took your fine life away . . .
Right there on that edge of death,
as when your fine heart so sung and began to crest!
As you so pledged to yourself near death,
to get up and run again no less!
Because,
pity is not where your friend!
And Faith and Courage,
are what you are so armed with my son!
And as we so listen to your fine heart so very deep down within!
As with each new step,
your recovery has so gained so much then!
For Captain Bates, you've got a life to so live . . .
And its where you are going,
not where you've been!
And Marine you were so born to lead!
And Captain Bates,
your fine heart will not so stop . . . nor so heed!
Because,
failure is not an option for this here United States Marine!
As You So Teach Us . . .
So Reach Us . . .
and in every way To So Beseech Us!
For you are but an American Hero,
A Leader . . . one of a special breed!
For you are a United States Marine!
I am your Captain . . .
you are my women and my men!
Where you go,
I will go time and again!
For I will always have your back against the wind!
Because, I'd rather die with you . . .
than live without!
All In That Fight,
I am with you each and every step of the way no doubt!
Because, Moments are all that we so have!
To Make A Difference!
To Grab Hearts!
I'm your Captain!
Follow Me!
I will lead!
All in my Most Magnificent Shades of Green!
Because,
you Captain Bates were but born to lead!
And you so give to your Brothers and Sisters In Arms in the battle all they need!
Oooh Rah Jar Head,
for you are fine United States Marine!
I'm your Captain let me lead!

## 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 18, 2012 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### DECEMBER 19

Time to be announced

Veterans' Affairs

Business meeting to consider the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims.

S–216, Capitol

8:30 a.m.

Foreign Relations

To receive a closed briefing on the Accountability Review Board.

SVC–217

10 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine consumer credit reports.

SD–538

Judiciary

To hold hearings to examine the state of the right to vote after the 2012 election.

SD–226

### DECEMBER 20

9 a.m.

Foreign Relations

To hold hearings to examine Benghazi, focusing on the attacks and the lessons learned.

SH–216

10 a.m.

Finance

To hold hearings to examine the nominations of William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services, and Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury.

SD–215

Judiciary

Business meeting to consider S. 1560, to enhance access to controlled substances for residents of institutional long-term care facilities.

SD–226

11 a.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine recovering from superstorm Sandy, focusing on rebuilding our infrastructure.

SD–538

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

# *Daily Digest*

## HIGHLIGHTS

**Senate agreed to S. Res. 619, electing Senator Patrick J. Leahy, of Vermont, to be President pro tempore of the Senate of the United States.**

**Senate agreed to S. Res. 620, authorizing the administration of the oath of office of President pro tempore of the Senate of the United States.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S8049–S8094***

**Measures Introduced:** Five bills and three resolutions were introduced, as follows: S. 3684–3688, and S. Res. 619–621. **Page S8071**

**Measures Reported:**

S. 675, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, with an amendment in the nature of a substitute. (S. Rept. No. 112–251)

S. 1223, to address voluntary location tracking of electronic communications devices, with an amendment in the nature of a substitute. **Page S8071**

**Measures Passed:**

***Strengthening Investigations of Sex Offenders and Missing Children Act:*** Senate passed S. 1792, to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children. **Pages S8086–87**

***Investigative Assistance for Violent Crimes Act:*** Senate passed S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, after agreeing to the following amendment proposed thereto: **Page S8087**

Reid (for Whitehouse) Amendment No. 3341, in the nature of a substitute. **Page S8087**

***National Defense Authorization Act:*** Senate passed H.R. 6223, to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization. **Pages S8087–88**

***Federal Water Pollution Control Act:*** Senate passed S. 3687, to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings. **Page S8088**

***Investigative Assistance for Violent Crimes Act:*** Senate passed H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Page S8089**

Reid (for Whitehouse) Amendment No. 3342, in the nature of a substitute. **Page S8089**

***Electing the President Pro Tempore:*** Senate agreed to S. Res. 619, to elect Patrick J. Leahy, a Senator from the State of Vermont, to be President pro tempore of the Senate of the United States. **Page S8089**

***Authorizing the Administration of the Oath of Office of President Pro Tempore:*** Senate agreed to S. Res. 620, to authorize Harry Reid, a Senator from the State of Nevada, to administer the oath of office

of President of the Senate Pro Tempore to Patrick J. Leahy, a Senator from the State of Vermont.

Page S8089

***Condemning the Horrific Attacks in Newtown, Connecticut:*** Senate agreed to S. Res. 621, condemning the horrific attacks in Newtown, Connecticut, and expressing support and prayers for all those impacted by that tragedy. Pages S8089–90

***Uninterrupted Scholars Act:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S8091–92

Hagan (for Landrieu) Amendment No. 3345, in the nature of a substitute. Page S8091

**Measures Considered:**

***Full-Year Continuing Appropriations Act—Agreement:*** Senate began consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, taking action on the following amendments proposed thereto: Pages S8051–63

Pending:

Leahy (for Inouye) Amendment No. 3338, in the nature of a substitute. Page S8052

Leahy (for Inouye) Amendment No. 3339 (to Amendment No. 3338), of a perfecting nature.

Page S8052

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, December 18, 2012. Page S8092

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the District of Columbia's fiscal year (FY) 2013 Budget and Financial Plan, received during adjournment of the Senate on December 14, 2012; which was referred to the Committee on Homeland Security and Governmental Affairs. (PM–63) Page S8070

**Nominations Confirmed:** Senate confirmed the following nominations:

Fernando M. Olguin, of California, to be United States District Judge for the Central District of California. Pages S8066–67, S8094

Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois. Pages S8066–67, S8094

**Nominations Received:** Senate received the following nominations:

Richard J. Engler, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Nicholas Christopher Geale, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2013.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2015.

Routine lists in the Air Force, and Army.

Page S8092

**Messages from the House:** Pages S8070–71

**Enrolled Bills Presented:** Page S8071

**Additional Cosponsors:** Pages S8071–72

**Statements on Introduced Bills/Resolutions:** Pages S8072–73

**Additional Statements:** Pages S8067–70

**Amendments Submitted:** Pages S8073–86

**Privileges of the Floor:** Page S8086

**Recess:** Senate convened at 2 p.m. and recessed at 7:13 p.m., until 10 a.m. on Tuesday, December 18, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8092.)

# *Committee Meetings*

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 4 public bills, H.R. 6671–6674; and 3, H. Con. Res. 145; and H. Res. 833–834 were introduced. **Page H6828**

**Additional Cosponsors:** **Page H6828**

**Reports Filed:** Reports were filed today as follows: S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes (H. Rept. 112–702) and H.R. 3548, to facilitate United States access to North American oil resources, and for other purposes, with an amendment (H. Rept. 112–703, Pt. 1). **Page H6828**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker pro tempore for today. **Page H6809**

**Recess:** The House recessed at 12:01 p.m. and reconvened at 2 p.m. **Page H6809**

**Journal:** The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H6809, H6815**

**Recess:** The House recessed at 2:14 p.m. and reconvened at 4:30 p.m. **Page H6811**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Authorizing the issuance of right-of-way permits for natural gas pipelines in Glacier National Park:*** H.R. 4606, amended, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, by a ⅔ yea-and-nay vote of 286 yeas to 10 nays, Roll No. 627 and **Pages H6811–12, H6813–14**

***Barona Band of Mission Indians Land Transfer Clarification Act of 2012:*** S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, by a ⅔ yea-and-nay vote of 306 yeas with none voting "nay", Roll No. 628. **Pages H6812–13, H6814–15**

**Recess:** The House recessed at 4:41 p.m. and reconvened at 6:31 p.m. **Page H6813**

**Moment of Silence:** The House observed a moment of silence in honor of the victims of the shooting at Sandy Hook Elementary School in Newtown, CT on December 14, 2012. **Page H6814**

**Condemning the horrific attacks in Newtown, Connecticut and expressing support and prayers for all those impacted by this tragedy:** The House agreed to discharge from committee and agree to H. Res. 833, to condemn the horrific attacks in Newtown, Connecticut and to express support and prayers for all those impacted by this tragedy. **Pages H6815–24**

**Presidential Message:** Read a message from the President wherein he transmitted the District of Columbia's fiscal year 2013 Budget and Financial Plan—referred to the Committee on Appropriations and ordered to be printed (H. Doc. 112–157). **Page H6811**

**Senate Messages:** Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H6824.

**Senate Referrals:** S. 3313 and S. 2045 were referred to the Committee on Veterans Affairs; S. 3687 was referred to the Committees on Transportation and Infrastructure, Natural Resources, and the Judiciary; and S. 3472 was referred to the Committee on Education and the Workforce. **Page H6810**

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of today and appear on pages H6813, H6814–15. There were no quorum calls.

**Adjournment:** The House met at 12 noon and adjourned at 8:44 p.m.

## Committee Meetings

No hearings were held.

## Joint Meetings

No joint committee meetings were held.

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### COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 18, 2012

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities, Insurance and Investment, to hold hearings to examine computerized trading venues, focusing on what should the rules of the road be, 9:30 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* business meeting to consider pending calendar business, Time to be announced, S–216, Capitol.

*Committee on Finance:* business meeting to consider the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, Time to be announced, Room to be announced.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House

*House Permanent Select Committee on Intelligence,* Full Committee, hearing on ongoing intelligence activities, 4:30 p.m., HVC–304. This is a closed hearing.

## CONGRESSIONAL PROGRAM AHEAD

## Week of December 18 through December 21, 2012

### Senate Chamber

On *Tuesday*, at approximately 11 a.m., Senate will continue consideration of H.R. 1, Full-Year Continuing Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* December 18, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine computerized trading venues, focusing on what should the rules of the road be, 9:30 a.m., SD–538.

December 19, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine consumer credit reports, 10 a.m., SD–538.

December 20, Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine recovering from superstorm Sandy, focusing on rebuilding our infrastructure, 11 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* December 18, business meeting to consider pending calendar business, Time to be announced, S–216, Capitol.

*Committee on Finance:* December 18, business meeting to consider the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, Time to be announced, Room to be announced.

December 20, Full Committee, to hold hearings to examine the nominations of William B. Shultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services, and Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury, 10 a.m., SD–215.

*Committee on Foreign Relations:* December 19, to receive a closed briefing on the Accountability Review Board, 8:30 a.m., SVC–217.

December 20, Full Committee, to hold hearings to examine Benghazi, focusing on the attacks and the lessons learned, 9 a.m., SH–216.

*Committee on the Judiciary:* December 19, to hold hearings to examine the state of the right to vote after the 2012 election, 10 a.m., SD–226.

December 20, Full Committee, business meeting to consider S. 1560, to enhance access to controlled substances for residents of institutional long-term care facilities, 10 a.m., SD–226.

*Committee on Veterans' Affairs:* December 19, business meeting to consider the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims, Time to be announced, S–216, Capitol.

*Select Committee on Intelligence:* December 18, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

December 20, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House Committees

*Committee on Armed Services,* December 19, Full Committee, hearing on an update on the evolving security situation in the Democratic Republic of the Congo and implications for U.S. national security, 10 a.m., 2118 Rayburn.

*Committee on Education and the Workforce,* December 19, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Challenges Facing Multiemployer Pension Plans: Evaluating PBGC's Insurance Program and Financial Outlook'', 10 a.m., 2175 Rayburn.

*Committee on Foreign Affairs,* December 20, Full Committee, hearing entitled ''Benghazi Attack, Part II: The Report of the Accountability Review Board'', 1 p.m., 2172 Rayburn.

*Committee on the Judiciary,* December 19, Full Committee, markup on H.R. 6654, To provide for the exchange of information related to trade enforcement, and for other purposes, 10 a.m., 2141 Rayburn.

*House Permanent Select Committee on Intelligence,* December 18, Full Committee, hearing on ongoing intelligence activities, 4:30 p.m., HVC–304. This is a closed hearing.

December 19, Full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

December 20, Full Committee, business meeting, Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE, 9 a.m., HVC–304.

December 20, Full Committee, hearing on ongoing intelligence activities, 9:30 a.m., HVC–304. This is a closed hearing.

*Next Meeting of the* SENATE

10 a.m., Tuesday, December 18

Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1, Full-Year Continuing Appropriations Act.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, December 18

House Chamber

**Program for Tuesday:** To be announced.

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